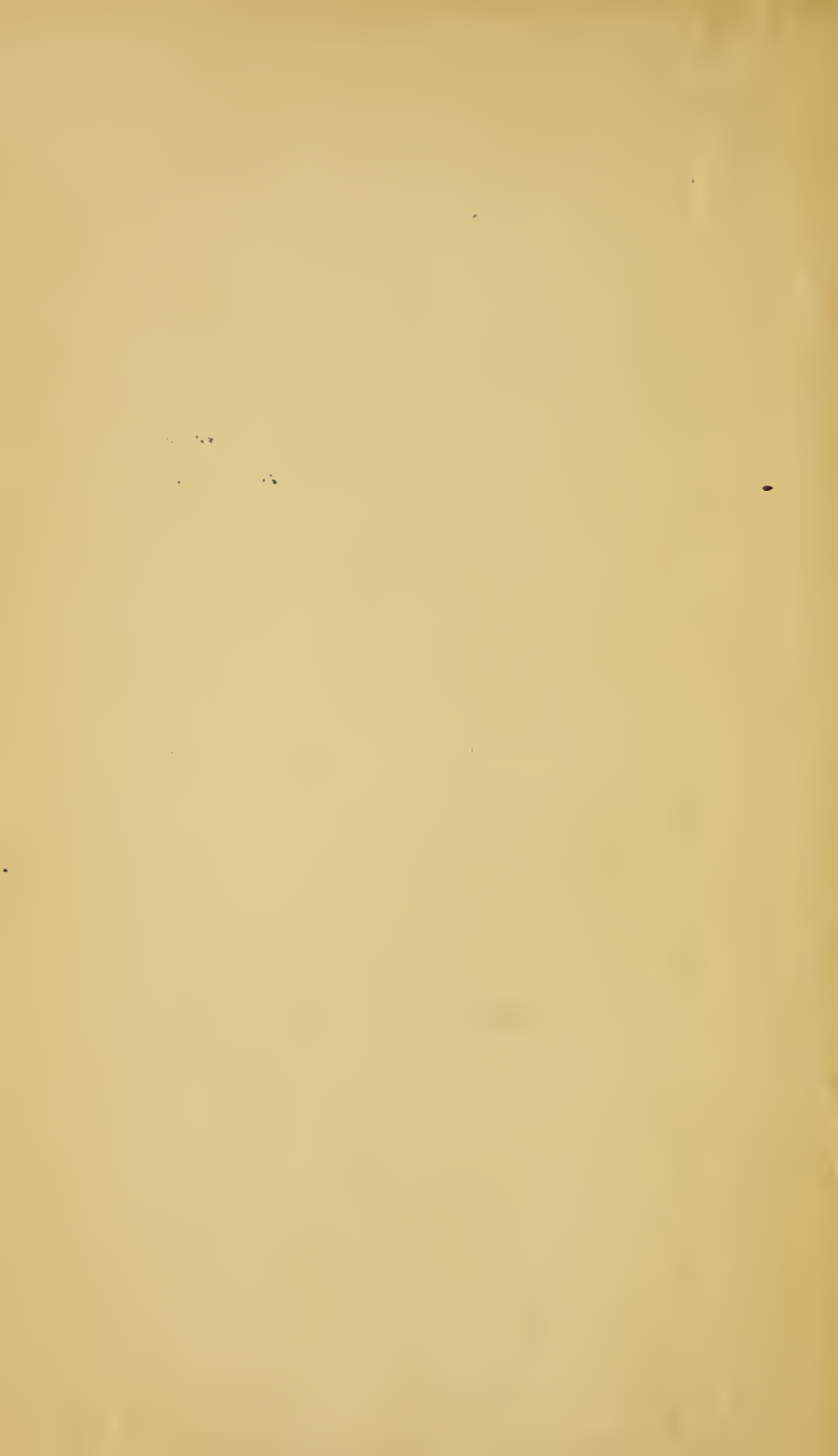




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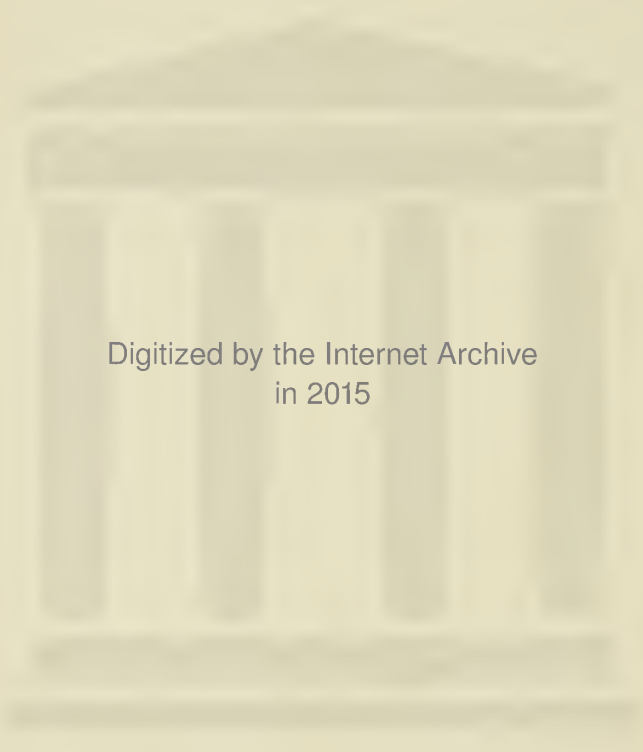
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RECORDS OF THE CAPE COLONY.



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RECORDS
OF THE
CAPE COLONY

From FEBRUARY to JUNE 1826.

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BY
GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.

VOL. XXVI.

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RECORDS OF THE CAPE COLONY.

[Copy.]

Minutes of a Meeting of the Committee of the Scotch Presbyterian Community held in Cape Town 6th February 1826.

Present : Messrs. C. S. Pillans, (Chairman), Abercrombie, Monteath, Saunders, and Paton.

The Minutes of last Meeting held 31st December 1825 having been read for the information of the Members then absent, but now present, Mr. Monteath remarked, in allusion to the 1st and 2nd Resolutions, that his avocations would not admit of his duly performing the duties of Chairman of the Committee and that he cordially acquiesced in the election of Mr. Pillans.

A letter addressed to the Committee by order of the President and Members of the Burgher Senate was read requesting the Committee to "make the necessary preparations for building a Wall round the new Coopers' yard," agreeably to a condition inserted in the deed of transfer of the ground allotted for the erection of the intended Scottish Church.

The following Resolutions were then entered into :

1st. That a letter be written in the name of the Committee to the President and Members of the Burgher Senate, requesting that the ground in question, viz. "the new Coopers' yard" be pointed out to the Committee preparatory to carrying the Senate's requisition into effect.

2nd. That with reference to the 4th Resolution passed at last meeting, the whole of the Funds collected for the building of the Scottish Church in Cape Town should be paid into the Discount Bank on the 7th proximo in name of "The Scottish Church Finance Committee."

3rd. That the chairman and secretary prepare with their

earliest convenience a letter to the Presbytery of Edinburgh, agreeably to the 5th Resolution of last meeting, and that copies thereof and of the minutes of this and of our last meeting be transmitted to our Agents in Britain, Messrs. Wm. Borradaile Sons & Ravenhill and to Mr. McDonald, to enable them to hold such communication with the British Government, with the Presbytery of Edinburgh, and with each other as they may deem beneficial.

4th. That on the appointment of a Clergyman for the Scottish Church the above-mentioned gentlemen be requested to use every exertion to obtain for him from the British Government a free Passage to this Colony and an additional hundred Pounds towards the payment of his stipend.

5th. That Messrs. Borradaile Sons & Ravenhill are eminently entitled to the gratitude of the whole of the Scottish Community in this Colony for the generous interest they have taken and continue to take in the sacred object in which the Committee are engaged.

6th. That the next meeting of the Committee shall be held here on the 8th proximo.

(Signed) G. PATON, Secretary.

[Original.]

Letter from MR. H. W. WILTON *to* R. W. HAY, ESQRE.

NO. 4 REGENT STREET, PALL MALL, 6th February 1826.

SIR,—I have the honor to transmit to you, in pursuance of the directions conveyed in your letter of the 27th ultimo, a Memorandum containing the proposals from the Parties interested in the projected South African Company, under the amended form ; which the present state of circumstances renders in their judgment essential to the commencement and ultimate success of the Undertaking. I have &c.

(Signed) H. W. WILTON.

[Enclosure in the above.]

Memorandum of Proposals from the projected South African Company in an amended form.

The sanction of His Majesty's Government in favor of an application to Parliament, for an Act authorising His Majesty to incorporate the Applicants under the title of the South African Company. And should His Majesty be pleased to grant a Charter,

That then be granted by the Crown to the Company, not exceeding One Million of Acres of Land to be selected by them (as the precise localities can only be determined by actual survey) in the Cape, Stellenbosch, Zwellendam, and Tulbagh Districts ; the Country along the Eastern part of the Colony, and such tracts as might be found applicable in Graaff Reynet, Uitenhaag and Albany Districts.

That the Land be fixed at the valuation of Six Pence Sterling per Acre.

That the Quit Rents be established at the rate of thirty shillings for every Hundred Pounds value of the Land.

That no Quit Rent be payable until the expiration of Seven Years from the date of the Grant.

That the Company giving six months notice to the proper authority, be permitted to redeem any part or the whole of the Quit Rent at twenty years purchase.

That when there shall be expended Five Thousand Pounds in making Roads, Canals of irrigation, Clearing, Cultivating, Fencing or other improvements ; the building of Vessels, Boats and Erections connected with the Whale and Seal Fisheries, the Company be permitted to alienate One Tenth part of the Land granted ; and in like proportion for every Five Thousand Pounds so expended.

That the several Government Farms in the Colony should be valued, and the Company have the option of accepting or of rejecting them, by paying a rental on the valuation to be agreed on.

That the privilege of establishing a Bank be granted to the Company.

That the Company have the power of working any Coal,

Iron, or Mineral Mines belonging to the Crown in the Colony, subject to the payment of a Royalty, and under similar circumstances to the grant made to the Australian Company.

That to effect these objects, a Capital should be subscribed of One Million Sterling to be divided into Ten Thousand Shares. No Shares to be transferred until the passing the Act, and granting the Charter.

That the affairs of the Company be conducted under the management of not exceeding Twenty-six Gentlemen, including Governor and Deputy Governor, to remain in office for Five Years, and to retain not less than Twenty-five Shares as their qualification.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. LAUNCELOT COOKE.

DOWNING STREET, 7 February 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 4th instant, and to request that you will specifically state the point in your case upon which you are desirous of receiving more particular communications than those which were conveyed to your Solicitors on the 29 of January and 21 of September of the preceding year. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. FREDERICK HUTH to R. WILMOT HORTON, ESQRE.

19 SOUTH STREET, FINSBURY SQUARE, 7th February 1826.

SIR,—My friend Mr. P. H. Poleman, Chemist and Druggist, residing for many years at Cape Town, Cape of Good Hope, sent me two years ago as a present a Cask of Wine, the produce of that Colony, and which he intended also as a curiosity, it being prepared by him, by way of experiment, with Brandy distilled from Wines of the same Country, instead of French

Brandy hitherto exclusively used for that purpose, and of which consequently the importation there is very considerable. Mr. Poleman at the same time requested me to return him a few bottles of the same, that he might be able to judge of its keeping during the voyage to Europe and back. Having done so, Mr. Poleman writes to me under date of the 11th October last, that he had sent a few bottles of the Wine to the Commissioners of His Majesty for Inquiry at this Settlement for their examination and opinion, and calling their attention at the same time to the advantage the Colony would derive by preparing their Wines with their own Brandy, and thus avoid the necessity of importing this article from foreign parts. The Commissioners not only acknowledged Mr. Poleman's proposal, as one that might eventually prove extremely useful, but also highly approved of the quality of the Wine, and moreover Commissioner Colebrooke, in a visit to Mr. Poleman, expressed his wish that you might be furnished, if possible, with a sample of the same Wine, that you might be able to judge of the quality. Having still a part of the Wine in my possession, I feel happy that I have it in my power to comply with that wish, and beg to hand you by the Bearer of the present a Dozen Bottles of the same Wine, and should you require a larger quantity for the purpose of distributing it for examination among different persons, I shall be glad to provide you with it. I have &c.

(Signed) FREDERICK HUTH.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8th February 1826.

MY LORD,—With reference to the Letter which I had the honor to address to your Lordship on the 29th ultimo relative to the application of Mr. Fairbairn to Your Lordship on the subject of the Press in this Colony and to the Proceedings of Council thereon, I have now the honor to transmit for your Lordship's information Copy of a Letter from His Majesty's Commissioners of Inquiry enclosing Extracts from the Laws of the States of Holland and West Friesland as to the Restrictions

placed on the Press in those Countries, and which must be looked upon as having force in this Colony previous to Sir George Yonge's Proclamation of 21 July 1800. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT-COLONEL BIRD.

DOWNING STREET, 8th February 1826.

SIR,—Having laid before Earl Bathurst your letter of the 6th instant, I have received his Lordship's directions to acquaint you in reply that the letter which you addressed to the Governor of the Cape of Good Hope and which accompanied your previous communication of the 1st instant, will be forwarded by the earliest opportunity to that Colony, with instructions to the Governor to make arrangements for issuing to you the pension which you have expressed your desire to accept.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 8th February 1826.

SIR,—Having laid before Earl Bathurst your letter without date enclosing an estimate of the expense of conveying 285 persons to Algoa Bay, I have received his Lordship's directions to refer you to my communication of the 9th ultimo in which you were distinctly informed that unless the Settlers who have deputed you to make known their wishes would undertake to defray a part, if not the whole, of the expense which would attend the conveyance of their relatives to the Cape, his Lordship could hold out no hope that your application in their favor could be attended to. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 9th February 1826.

MY LORD,—Having had the honor to receive Your Lordship's Dispatch of the 6th October last, No. 199, in which Your Lordship informs me that it is your intention to send out an Officer in the Navy to fill the situation of Deputy Port Captain in Table Bay, I hasten to take the liberty of stating to Your Lordship that that situation is at this time most ably filled by Lieutenant G. M. Pedder, R.N., an officer highly spoken of for his skill and exemplary conduct in his Profession, to which I appointed him (on the death of the late Mr. Bridekirk, which took place a short time since) at the earnest solicitations of several respectable Persons, and his appointment I understand has given the highest satisfaction amongst the commercial gentlemen.

Lieutenant Pedder has met in this Colony with unparalleled calamity in attempting to settle here, having had his house twice burned to the ground (supposed to have been maliciously done by a young female slave), and on each occasion he lost all he possessed in the World, and on one occasion one of his children was burnt to death.

By these repeated calamities he was plunged into the deepest distress, and his appointment was therefore an act of great commiseration as well as being well chosen for the public Service.

I have no personal knowledge of Lieutenant Pedder further than the strong recommendations I received in his favor, and that his Deportment denotes respectability, and that his conduct here has been irreproachable.

Should Your Lordship not have sent out an Officer when this arrives, it will be an act of great kindness to Lieutenant Pedder, and give great satisfaction to the Public here, if he is permitted to retain his situation.

I beg leave to add that I most entirely acquiesce in Your Lordship's opinion of the importance of the Port Captain's duties, and had not so competent an officer as Lieutenant Pedder been found on the spot, I should have felt truly grateful for Your Lordship's considerate attention to this subject.

The other points in Your Lordship's Despatch shall be attended to at the earliest moment, and the information required by Mr. Rennie's Memorandum furnished by the most competent persons I can obtain. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 10 *February* 1826.

MY LORD,—In a report which I have received from His Majesty's Commissioners, of the results of their enquiry into the case of Mr. Thomas Pringle my attention has been called to the circumstances under which that Individual was admonished by the Fiscal to your Excellency's Government to desist from persevering in a certain strain of observations which had been inserted in the *South African Journal* in regard to the internal affairs of the Colony.

As it appears from the explanations which the Fiscal has offered to His Majesty's Commissioners upon this Subject, that although he considered himself authorized to have recourse to such a measure under an instruction of the Batavian Government dated in 1803, yet that he did not consider that Mr. Pringle had rendered himself amenable to the Laws by publishing the observations in question, I cannot but consider that the Fiscal's interference was highly injudicious; and I have, therefore, to desire that your Excellency will signify to him my expectation that he will act with greater circumspection in future. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 10th *February* 1826.

MY LORD,—I have the honor to transmit to your Lordship an Account of the Proceedings at a Public Meeting which I

considered it expedient to call and to attend, in the hope that the measures I there proposed might conduce to an Improvement in the growth and manufacture of the Wine of this Colony, and I trust there is reason to expect that the Result will prove beneficial to the interests of this Settlement. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 10th February 1826.

MY LORD,—I have the honor to transmit to your Lordship copy of an application which has been made to Government by Mr. Ebdon for permission to establish a Bank in this Colony, together with the Proceedings of Council thereon.

I have further to submit to your Lordship the Prospectus for a Joint Bank Stock Company, with a request from the several persons interested therein to be allowed to hold a Public Meeting on the 15th of the present month, and which I have authorised. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 10th February 1826.

MY LORD,—I have the honor to transmit to your Lordship the General Monthly Return of the Forces serving under my Command on this Station up to the 25th January 1826.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from MAJOR GENERAL BOURKE to EARL BATHURST.*CAPE TOWN, *February 10th 1826.*

MY LORD,—I have the honor to inform Your Lordship that I arrived here yesterday morning in H. M. S. *Rainbow*. I have found His Excellency Lord Charles Somerset present in the Colony and have placed myself under His Excellency's orders according to Your Lordship's directions. I have &c.

(Signed) RICHARD BOURKE, Lieutenant-Governor.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.*DOWNING STREET, LONDON, 10 *February 1826.*

SIR,—I am directed by Earl Bathurst to transmit to you herewith enclosed for the information of the Governor of the Cape of Good Hope, a copy of a letter which I have by his Lordship's desire addressed to Mr. Thomas Pringle in reply to the complaints of that Individual, and I am desired by his Lordship to request that you will call the Governor's attention to the concluding paragraph of my communication to Mr. Pringle, in which an expectation is held out to him that he would receive from the Colonial Government any reasonable assistance which circumstances might admit of being extended to him in furtherance of his pursuits. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. THOMAS PRINGLE.*DOWNING STREET, LONDON, 10 *February 1826.*

SIR,—I have the directions of Earl Bathurst to acquaint you that his Lordship has received and had under his consideration a Report from His Majesty's Commissioners of

Enquiry at the Cape, on the subject matter of the representation which you had addressed to his Lordship on the 15th of January of the preceding year.

In regard to the reception which you and your party of settlers experienced in the Colony, it is unnecessary to make any remark, as you have appeared to be fully sensible of the support and encouragement which you and your friends have received from the Colonial Government.

With respect however to the losses which you allege to have sustained by the relinquishment of your journal, and by the falling off of your School, it has not appeared to His Majesty's Commissioners that your suppression of that Publication amounted to a sacrifice of anticipated profit. At all events your abandonment of it was purely a voluntary act on your part, and although the Fiscal in his zeal for the tranquillity of the Colony may have been premature in the warning which he gave you, yet that is proved to have been done entirely without the concurrence of Lord Charles Somerset.

Neither is the decay of your School to be attributed to the exercise of any undue influence in destroying its reputation, but to the prevalent notion that the time of the Master was not sufficiently devoted to the instruction of the Scholars.

Of the various alleged proofs which you have brought forward of Lord Charles Somerset's ill will, and which in one instance amounted to personal abuse, it has not appeared to His Majesty's Commissioners that any are sufficiently well established to justify the strong terms in which you have on several occasions expressed yourself on this subject; and if on one particular occasion Lord Charles Somerset should have professed his unwillingness to assist in the promotion of a Scheme in which you were engaged, it is scarcely surprising that the Governor should have done so, after the course which you had adopted in throwing up your appointment as Librarian, and considering the reasons which were assigned by you and Mr. Fairbairn for discontinuing your Journal.

Upon an attentive consideration of your case (and there is ample evidence of its having been most minutely examined) the Commissioners do not consider you entitled to any compensation for the losses which you allege yourself to have sustained by the persecution, as you term it, of Lord Charles

Somerset, nor has it appeared to them that you have any claim (and indeed none is made by you) to any further indulgence which could be shewn to you in your capacity of Settler. I am desired however by Earl Bathurst to add that if in the prosecution of your present pursuits any assistance should be required by you, the Colonial Government will be instructed to afford you such reasonable encouragement as circumstances may admit. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LIEUTENANT GEORGE MURRAY PEDDER *to* EARL BATHURST.

PORT OFFICE, TABLE BAY, *February 10th 1826.*

MY LORD,—In pointing out to Your Lordship my peculiar distressing situation I hope not to be deemed presumptuous.

In the year 1818 I arrived in this Colony and established a Whale Fishery, embarking a Capital of Five Thousand Pounds Sterling, all that I had hardly gained during the war, the whole of which property with my eldest son was destroyed by fire, done intentionally by the hands of two Slaves. This event left me with a wife and four very young children in a perfect state of destitution, my half pay being involved in my misfortunes. The anxious feeling which has continued to mark the Government of this Colony that the afflicted and unfortunate may share its protection prompted me to solicit His Excellency Lord Charles Somerset's patronage for the appointment of Deputy Port Captain. My destitute circumstances joined to my being so old an officer and the conviction His Lordship felt of its being necessary for the general good of the Shipping Interest of this Colony to place an experienced and active Officer in that situation were reasons that induced His Excellency to honor me with the appointment.

I beg leave to state I was from the year 1799 until the peace in actual service afloat, and had the honor of serving under the lamented Lord Nelson in the action of the 2nd April 1801, in the action with the enemy on the coast of France under the orders of Sir Sidney Smith, afterwards with Captain Peter

Rainier in cutting out the Dutch Frigate *Maria Regesbergen* (afterwards H.M.S. *Java*). In this action Captain P. Rainier honored me by public mention of my name in the official despatches to the Admiralty.

My misfortunes from fire have destroyed the means I had of reference, except the two enclosed certificates. I can however with confidence refer Your Lordship to Sir J. Brenton, Bart., who will not only confirm my assertions but satisfy Your Lordship as to my competency to fill my present station with justice to the Public.

His Excellency has been pleased to say he will honor me with a letter of recommendation to Your Lordship.

I beg leave to state the different ships I have served in :

* * * *

I humbly hope Your Lordship may be pleased to take into consideration my long services, and to confirm my present appointment. I have &c.

(Signed) G. M. PEDDER.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11 *February* 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatches numbered 238, 243 and 245 enclosing four Ordinances which you have caused to be promulgated for regulating various points connected with Vendue Sales, the Police Department, and the Cattle Trade with the Caffers ; and I shall take an early opportunity of conveying to you His Majesty's Pleasure respecting these several Ordinances. As I observe however that your Excellency has had occasion to issue several other Ordinances since the Establishment of your Council of Government, I take this opportunity of expressing my desire that all Legislative Acts which may be promulgated by your Excellency in Council may be regularly transmitted to me from time to time for His Majesty's consideration. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 11 *February* 1826.

MY LORD,—I have the honor to transmit to Your Lordship the enclosed Copy of an application from the School Commission at Worcester, representing the necessity of an English Teacher being appointed for that place, and as the Drostdy of Worcester is the only one in this Colony unprovided with a Teacher, I beg to submit this application to Your Lordship's favorable consideration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

WORCESTER, 24th *December* 1825.

SIR,—We the School Commission of the Drostdy of Worcester being most desirous to meet the benign wishes of this Government as conveyed to the Landdrost in a Letter from the late Colonial Secretary of the 18th of July 1823 relative to a Building being erected for a School for the Instruction of Slaves,

And although the Funds have not hitherto enabled the District to build in the manner directed in that communication, and as the population of the Drostdy does not for the present require a school of such magnitude, we beg you will have the goodness to represent to His Excellency the Governor that we wish to establish a School for the Instruction of Slaves, also the Christian youth, and the Vestry having offered a Building wherein an apartment can be appropriated for this purpose, provided a person can be selected who can also perform the service of Parish Clerk, and as we do not consider that the services of that Office can in any way interfere with the Slave School, we beg that His Excellency may be pleased to allow us to select a person to undertake the situation of School Master for Slaves and Christian youth, but before that we make any proposition to an Individual we request his Excellency will be pleased to take our views into favorable consideration, and

inform us what assistance we may expect from Government as to the Salary that will be allowed from the Colonial Treasury.

We have &c.

(Signed) C. TRAPPES,
HENRY SUTHERLAND.

To Sir Richard Plasket,
Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12 *February* 1826.

MY LORD,—I have the honor to transmit to Your Lordship a Copy of a letter from the Church Committee at Port Elizabeth, requesting that a residence may be allotted for the use of the Chaplain whom I have removed to that Station from Clan William, together with one from the Reverend Mr. McClelland himself upon the same subject.

In allowing a house for the personal residence of the Chaplain, Your Lordship would place Mr. McClelland upon the same footing with other Clergymen in the Country Districts to whose use a Parsonage House and Garden are appropriated, and I have therefore to solicit Your Lordship's commands upon this point, and to request that Your Lordship would inform me whether it is Your pleasure that Mr. McClelland should receive similar benefits to those enjoyed by other Clergymen, or whether an allowance should be made to him in lieu thereof. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

PORT ELIZABETH, *December 13th* 1825.

SIR,—The church committee of Port Elizabeth are honored by receipt of your letter of 10th Ultimo, conveying His Excellency's gracious compliance with their wishes by the appointment of the Revd. Francis McClelland to the Chaplainship of this Residency.

The committee, solicitous for the prosperity of the Esta-

blished church of their mother country, and proud that in the small community of Algoa Bay the first struggle in this colony should have originated of erecting a place of worship conforming to the tenets in which they were reared, humbly hope

That His Excellency will be pleased to grant to the representative of the Established church of England in Algoa Bay the same privileges that are enjoyed by the ministers of the National church of Scotland in the several districts, and appropriate for his use a dwelling. I have &c.

(Signed) J. C. WILSFORD, Chairman.

To Sir Richard Plasket,
Secretary to Government.

[Enclosure 2 in the above.]

PORT ELIZABETH, 13th December 1825.

SIR,—I beg respectfully to call His Excellency the Governor's attention to the fact of my having been upwards of five years in this colony without a parsonage house or any allowance for one. I conceive my Lord Bathurst considered a dwelling for the clergyman so necessary an appendage of a Church that he passed it over in silence, which is the more likely as his Lordship must have been aware that every district Clergyman was provided with a residence, and consequently conceived no exception would have been made in my case. Since my arrival in the colony I have to all intents and purposes acted as a District Clergyman, and at present Divine Service is regularly performed in the Dutch language according to the English form. There is also a detachment of troops here, for attendance on which I receive no compensation whatever. Deducting six or seven hundred Dollars annually for house rent leaves me little better than a common mechanic, and as "the labourer is worthy of his hire," it is but right that that hire should be at least a competency.

These facts claim the gracious consideration of His Excellency, and I hope His Lordship will think it but reasonable to place me on a level with the other District Clergy at least. I have &c.

(Signed) F. McCLELAND.

To Sir Richard Plasket,
Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 13th February 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Letter of the 18th October last, No. 212, expressing Your displeasure at the non-transmission of the annual Returns of the Civil and Military Establishments of this Colony.

In reply I beg leave to inform Your Lordship that the Blue Book containing the Establishment of the Colony for 1824 and the Receipt and Expenditure for 1823 was transmitted to Your Lordship by the Ship *Eliza Frances* on the 25th December last.

It has hitherto been customary here to send the Establishment for the Current Year and the Receipt and Expenditure for the preceding year in the same Return, which has been an error from the beginning and which I have lately ordered to be rectified in future, and Your Lordship will receive herewith the Blue Book for 1824 containing the same Establishment as that transmitted in the preceding book, but with the Receipt and Expenditure of the year 1824, and henceforth the Returns will correspond.

I have however to inform Your Lordship that the whole of the Accounts of this Government for 1824 with the Abstracts and Comparative Statements of Receipt and Expenditure for that year were forwarded to the Lords Commissioners of the Treasury by H.M.'s Ship *Espiegle* in the month of October last.

The only apology I have to offer to Your Lordship for these Returns not having been transmitted of late so regularly as they ought to have been is that the whole trouble of making up the Accounts of this Colony for the Colonial Audit Office in England, independent of the various Returns required to be inserted in the Blue Book (instead of being done in the Audit Office here) is thrown upon the Chief Secretary's office, and since the arrival of the Commissioners of Enquiry and the various Memorials and Complaints which have been sent out from England within the last Eighteen Months for Report and explanation, the Business in that Office has really encreased to such a degree

that even with the additional assistance we have had, it has been impossible to avoid some arrears. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 13 *February* 1826.

MY LORD,—Having caused strict inquiry to be made into the circumstances set forth in the Memorial of Jacob Theron, complaining of various grievances which he alleges to have suffered by the acts of several Officers and authorities of this Government, of which a copy was enclosed in Your Lordship's Despatch of the 25th February 1825, I have now the honor to transmit to Your Lordship herewith a copy of the Report of the Law Officer of the Crown in this Colony thereon, which I trust will prove satisfactory. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MR. J. A. CHABAUD *to* EARL BATHURST.

PORT ELIZABETH, ALGOA BAY,
CAPE OF GOOD HOPE, *February* 13th 1826.

MY LORD,—Two years since the inhabitants of this town commenced a subscription for the purpose of building a church of the Established faith of the Church of England, a work which I am directed to inform you is rapidly progressing under the management of a committee who have desired me to solicit Your Lordship that the chaplain appointed to their township may be placed on the same footing as the Dutch clergy in the several districts, by being allowed a house and other privileges at present not enjoyed by him. The committee are induced to make this appeal to Your Lordship in consequence of the reference made by His Excellency the Governor to an application

made to him on the subject, and desiring that the Church Establishment of their native country should be placed in an equally respectable position with that of the Colony. The present minister of Port Elizabeth, Revd. F. McClelland, has merely his salary of Rds. 2,000 per annum, or £150, without any privileges. Trusting that Your Lordship's answer will be favorable to the wishes of the Committee, I have &c.

(Signed) JOHN ANT. CHABAUD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 14th February 1826.

MY LORD,—I have had the honor to receive Your Lordship's Despatch No. 175 of the 30th July last, with the accompanying Letter from Mr. John Carnall and a Diary of the treatment which he alleges to have experienced during his Imprisonment.

Having referred to the Chief Justice and Members of the Court of Justice that part of Your Lordship's Despatch above mentioned which alludes to the extreme disproportion between the original Sentence of the Commissioners of the Court of Justice and the final judgment of the full Court, I have now the honor to furnish to Your Lordship the Report which I have received from the Court.

I have also the honor to transmit to Your Lordship the Report of His Majesty's Fiscal on the Statements made in Mr. Carnall's Diary of want of cleanliness and other conveniences and nuisances to which he was subjected while confined in the Town Prison.

I have further the honor to enclose a Copy of a letter from Mr. Advocate Cloete refuting Mr. Carnall's assertions as contained in his Diary, viz. "that he (Mr. Cloete) had stated to him at two different periods that the Court of Justice had only passed the Sentence of Transportation on him to please the Governor."

Your Lordship has in the above Despatch called my attention to the practice which has lately been adopted by the Court of

Justice of Sentencing Persons to be banished to New South Wales. Upon this subject I beg leave to enclose Copy of a Despatch which Your Lordship addressed to me under date the 27th of September 1815 notifying your sanction to such a measure, and stating that the Convict Ships would receive orders to call here for that express purpose. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

CAPE TOWN, 16th February 1826.

MY LORD,—We have the honor to acknowledge the receipt of a letter from the Colonial Office of the 12th December last and of a later one of the 7th instant directing us to furnish Your Excellency, for the information of Earl Bathurst, with any explanation it might be in our power to offer on the subject of an Extract of a Despatch enclosed in the former letter relative to the Sentence given in the case of John Carnall.

In compliance with your Excellency's desire contained therein, we shall confine ourselves to the two chief points of the Despatch from the Secretary of State, namely

1st. The extreme disproportion between the original Sentence of the Commissioners of the Court of Justice who condemned Carnall to banishment from the Colony for the space of one year, and the final judgment of the full Court who decreed the Prisoner's Transportation to New South Wales for the term of five years, and

2nd. Whether the aggravation of the original Sentence was founded upon any additional evidence or whether it was merely measured by the discretion of the Judges.

As however the elucidation of the first point will follow of itself from the discussion of the latter, we shall therefore take this first into consideration, and in which regard we beg leave to state that the case having been brought before us in Appeal as well by John Carnall as by His Majesty's Fiscal, both complaining of the Sentence in the first instance, the one that he was not guilty, the other that the punishment was not adequate to the crime and too lenient, it was our task first to see what appeared from the investigation held in the Court

below with respect to the charge and the grounds of the Sentence, in order therefrom to be enabled to form a just judgment on the application of the Law or of the punishment to which the prisoner was condemned, and we found from the Records of that Trial, without any further or additional evidence, that John Carnall was actually guilty of having wilfully and premeditatedly assisted and lent a hand to the planning and carrying into execution the escape of the Convict William Edwards out of the custody of the under Sheriff while escorting him to Simon's Town in order to be embarked for transportation, to which he was condemned. This now being the crime of which we found John Carnall guilty, we had next to inquire whether the punishment to which the Commissioners condemned him, namely to one year's banishment from the Colony, was to be considered as proportionate or not to the crime of which he was found guilty, in which respect we were not at all led by any discretionary judgment, but deemed ourselves bound to a Positive Law, and which we were therefore obliged to follow, which is to be found in the 48th Article of the Criminal Ordinance for the Netherlands of King Philip in the year 1570, which is an observance here and which in the original runs thus: "contre ceulx qui empeschent la Justice et au regard de ceulx qui favoriseront contre la Justice de fait, criz au autrement, pour empescher qui les delinquans ne soyent apprehender, ou procurent de faire delivrer les Prisonniers, ceulx seront puniz de semblables paine que les dicts delinquans auraient merit  ou autrement arbitrairement chastiez," that is And with respect to those who favor against Justice, either by act, clamour or otherwise, in order to prevent delinquents and criminals being apprehended or who endeavour to rescue these prisoners, they shall be punished with the like pains as the delinquents and criminals would have deserved, or otherwise arbitrarily punished.

This Law now being applied to John Carnall, a mere attempt on his part to effect the escape of William Edwards would have subjected him to the same punishment as Edwards was condemned to, namely seven years transportation to New South Wales, how much more then when he did not stop at an attempt, but actually effected the escape of a Criminal out of the hands of Justice in the course of the execution of his Sentence, and

which punishment John Carnall could not possibly have escaped did not the same Law leave a discretionary power to the Judge to take into consideration the circumstances that accompanied the crime, and to award a punishment proportionate thereto. In this respect, we conceived we should take into consideration that although the subject whose escape he effected was a Criminal upon whose transportation the Peace of the Colony depended, and that he, Carnall, in the perpetration of his crime acted with the greatest craft, and also that the discovery of Edwards after his escape at Carnall's place plainly shows how well they understood one another with regard to the means and opportunity which were to be employed to elude the ends of Justice. The crime of John Carnall however was not accompanied with any act of violence, and the fugitive was again brought into the hands of Justice, though without any assistance on Carnall's part, so that the sentence could be carried into execution, which circumstances, although not lost sight of by us in Carnall's favor, could not however so far influence us in deciding on his offence as not to consider him guilty of a most serious crime. However great therefore the disproportion may appear between the original Sentence of the Commissioners and that given by us, we trust we have sufficiently shewn the grounds of our decision, and conceive that we should have deviated from our duty had we not awarded him that punishment to which we condemned him according to the dictates of our consciences and for the maintenance of Justice under the existing circumstances.

Hoping herewith to have complied with Your Excellency's desire, we have &c.

The Chief Justice and Members of the Court of Justice.

(Signed) J. A. TRUTER.

By order of the Court.

(Signed) D. F. BERRANGE, Secretary.

His Excellency the Right Honorable
Lord Charles Henry Somerset.

[Enclosure 2 in the above.]

FISCAL'S OFFICE, 30th January 1826.

SIR,—In compliance with His Excellency the Governor's directions communicated to me in your letter of the 19th ultimo relative to the therein enclosed diary of the treatment which Mr. John Carnall alleges to have experienced during his imprisonment in the year 1824, I have the honor to transmit to you herewith my report thereon with five annexures, and to request that you may be pleased to lay the same before His Excellency the Governor. I also have the honor to return to you the diary which has accompanied your said letter.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

The Hon. Sir Richard Plasket,
Chief Secretary to Government.

Report on the Representations of Mr. John Carnall contained in his diary of the treatment which he alleges to have experienced during his imprisonment in the year 1824.

In reporting for the information of His Excellency the Governor on the several remarks contained in Mr. John Carnall's diary relative to the want of cleanliness in the Criminal prison and the daily practice of flogging certain prisoners, I think it necessary to observe that the superintendence of the prison concerns at the time of Mr. John Carnall's imprisonment was entrusted under His Excellency the Governor in the first place to the Chief Justice and the Court of Justice, one of whose members was obliged (as he still remains) once a month by rotation to visit the prison house, to investigate the actual state of all the prison concerns, and inquire from the Prisoners whether they had anything to complain of, and in case of complaint to afford immediate redress if possible, and at all events to report the result of their investigation to the Court, thereby to enable the Court to issue such directions as the cases might require; that the Fiscal more immediately was charged with the superintendence thereof, and under him one of the Deputy

Fiscals to whose special department belonged the administration of the Police, that the first under Sheriff who at the same time is acting in the capacity as Town Gaoler, was obliged every day to report not only to the said deputy Fiscal, but also to the Fiscal the occurrences which the day before had taken place in the prison and all particulars relating to the prisoners ; and that the Physician and Surgeon to the Court of Justice was moreover under the obligation every day to visit the prison and the prisoners, to prescribe and supply the prisoners with Medicines in case of indisposition, and to report in writing not only respecting the health of the Prisoners, but also respecting the quality and quantity of the victuals supplied to them and specially also respecting the cleanliness or want of cleanliness in the prison ; to which were added the occasional visits of the Colonial Medical Inspector, who made it one of his duties on such occasions to notice and put forth the complaints of prisoners and by whom according to his own statement Mr. Carnall was on the 22nd October 1824 addressed with these words : " Good morning, Sir, have you any complaints to make ? " to which he then replied, " none at present."

As to bed and bedding, the criminal prisoners were not regularly supplied with any other but wooden platforms and sheep skins, but those who could afford to supply their own bedding, such as Mr. Carnall, were allowed to have it brought into their apartments, by want of which they were provisionally supplied with the common platforms, mattresses, and what else could be procured.

The practice of flogging in the prison so frequently mentioned in Mr. Carnall's report confined itself at the time of his imprisonment to the punishments of male slaves and prize-slaves under the authority of their respective masters, and of such other persons as were condemned by judicial decrees to receive the punishment of flogging. It was and still remains a practice among wise and prudent masters, who wished to remain exempted from the imputations of calumny, to have their slaves punished for domestic offences in the prison house, under the eyes of the public authorities.

Such punishments were inflicted by Convicts either with the rope's end on the back or on the posteriors, or with thin splitten rattans applied to the bare posteriors, and never were allowed

to exceed 39 lashes. The first under Sheriff was ordered by me to be personally present whenever such punishments were inflicted, in order to prevent the possibility of malpractices or excesses, and though he did or could not constantly obey my said instructions, I am induced to attribute to his partial observance thereof the practice which seems to have prevailed of punishing slaves in the morning early, this being the time of the day in which the under Sheriff could attend to those punishments, whereas at other times he was most frequently obliged to be absent from the prison house.

In perusing Mr. Carnall's journal my attention was particularly drawn to the statement of the 3rd November, wherein he observed that it was usual for the masters to stand by when their slaves were punished, and that by giving to the convicts four skillings they might procure a more severe punishment. Such practice I was not aware of, and had I received any information thereof, whatever might be said in its defence, would certainly not have been sanctioned or approved of by me. From the late Undersheriff Bamberger's replies to one of my interrogatories put to him, translation of which I have the honor herewith to transmit to you, it appears that the Masters have been allowed by him to encourage the convicts to do their duty by some gratuity in money. The late Bookkeeper Da Costa also mentioned in his replies to my interrogatories, something not quite dissimilar to Mr. Bamberger's statement, and I am of opinion that whatever may be the colour under which such gratuities are given, unless it be for conducting the slaves back to their masters, which I am informed is now and then the case, such practice requires to be discontinued. Notwithstanding this, as no complaint of any excess occasioned thereby was ever made to me, I am bound to believe that the same was not attended with any evil consequences.

The cries of Slaves who were punished, which only could be heard by Mr. Carnall at a distance, seem to me to have been exaggerated in his several statements, and can by no means serve as a criterion to judge of the severity of punishments, which used to be inflicted in a small yard outside the prison gates and entirely out of sight of Mr. Carnall's apartment. The punishment of those condemned after trial to be corporally punished in the prison use to be more severe than the domestic

punishments of slaves. The same are inflicted on the offenders fastened to a post within sight of that apartment to which Mr. Carnall gave the name of *the Criminal post*. It would be very unsafe to draw any comparisons between such punishments and the domestic punishments of Slaves, and if Mr. Carnall has so done he has deceived himself.

In mentioning Mr. Carnall's apartment, I am led to notice the name which he thought proper to assign thereto. I do not question the propriety of Mr. Carnall having named his apartment a *Cell*, but think it requisite to make a faithful description of this so-called *cell*, thereby to obviate all misunderstanding. The same is situated in what is usually called the Criminal prison, upstairs, opening on a gallery which projects upon a spacious yard, on the opposite side whereof the criminal post is placed. The inside of that apartment is large, $13\frac{1}{2}$ feet by $9\frac{1}{2}$ feet, and the same is floored with a sort of large bricks not uncommonly used for the drawing rooms of our inhabitants. I am glad to find by Mr. Carnall's own acknowledgment, that it has been usual for the Turnkey at the time of his imprisonment to sprinkle and scrub his apartment or so-called *cell* every morning at daylight, and that his principal complaint respecting the uncleanness under which he suffered in the prison house is that about his having on the 9th September 1824 at his own request been furnished with a stretcher to sleep upon, which however on being made use of by him proved to be infested with all sorts of vermin, and was in consequence the following morning removed.

Mr. Carnall's statement that the stretcher had been made use of to lay dead bodies upon seems to be equally erroneous, as in his other statement that on the 26th October 1824 the walls of his apartment should have been whitewashed *to hide the stains he had made on them by killing the vermin*. This most illiberal remark of Mr. Carnall cannot but allude to the circumstance of the stretcher which was given him at his request on the 19th and removed from his apartment the 20th September 1824, for it was only in the night between the said two days that he had been employed in making stains on the walls by killing vermin; no other day or night was passed by him in such employment.

As the whitewashing of the prison apartments used to be

renewed nearly every month, thereby to render the apartments clean and the air within the same wholesome, the whitewashing of Mr. Carnall's apartment which took place on the 26th October was nothing else but a continuance of the practice long before introduced, and if it had been thought necessary to whitewash the walls for the mere purpose of covering the stains thereon, this would have taken place on the 20th September and not on the 26th October 1824.

I shall not occupy myself about the remarks in Mr. Carnall's journal not relating to the points on which I am requested to report, such as his most untrue assertion and statements that I should have sent to him that I owed him an old grudge, that I on the 2nd October 1824 should have ordered to bring Miss Rens by force from the ship, that on the 8th October the jailer should have endeavoured to induce him to sign a receipt for his horse by saying that it was likely not to do him any good if he refused to sign the same, that on the 24th December 1824 I should have told him that if he once failed to appear before 8 o'clock he should be placed again in *solitary* confinement, his conversations with Advocate Cloete, and his remarks about the trial which I have been necessitated to conduct against him in the Court of Justice; for though nothing can be more easy than to vindicate my conduct throughout this whole affair, I do not find it requisite to submit to any unnecessary trouble, and I am confident His Majesty's Minister of State for the Colonies will place more reliance in the honesty and integrity of the official acts of one of His Majesty's faithful servants in this Colony than in the loose assertions of a discontented prisoner, who will always find fault with the Public Prosecutor whose official prosecution brings upon him the evil consequences attending his transgressions.

I cannot however refrain from saying that Mr. Carnall by making such untrue assertions and statements chiefly calculated to injure my character, has evinced marks of very high ingratitude, he having by my order been placed in one of the best, if not the best apartment of the prison house, where he was allowed to enjoy all the comforts which the situation of a prisoner admits of, and even the company of his wife whenever she has chused to remain with him, and never any expence or salary having been brought by me to his charge, notwith-

standing he was condemned to pay all the expenses of the suit comprising my own salary.

I conclude by referring to the documents which I have the honor to annex, especially my comparison between the daily reports of the first Undersheriff and Mr. Carnall's journal, from which it will sufficiently appear to His Excellency that Mr. Carnall in recording the domestic and other punishments in the Town Gaol has been inaccurate.

It further appears from the other documents that a constant attention has been paid to the cleanliness in the prison and the proper treatment of the prisoners, and that Mr. Carnall's statement respecting the want of cleanliness and decency observed in the interment of dead bodies which are occasionally brought to the prison house is contradicted by those to the care of whom such bodies after the usual inspection thereof by a judicial committee are left.

(Signed) D. DENYSSEN, Fiscal.

FISCAL'S OFFICE, 30th January 1826.

(The annexures to the above report are of great length, and as they do nothing more than support the statements made in it, I do not think it necessary to give them.—G. M. T.)

[Enclosure 3 in the above.]

See letter from Advocate Cloete to Sir Richard Plasket of 15th November 1825.

[Original.]

Letter from MR. LANCELOT COOKE to R. W. HAY, ESQRE.

2 ABCHURCH LANE,
LOMBARD STREET, 14th February 1826.

SIR,—In answer to your communication of the 7th instant, I beg to state that when I presented my Petition to His Majesty's Government, I not only hoped to be permitted to reside at the Cape of Good Hope (which every peaceable subject

is as equally entitled to do, without permission, as myself), but that the aggravated circumstances of oppression detailed in my Case, and heavy expences and great pecuniary loss sustained by me in the business, would have entitled me so soon as my Case had been investigated and the report made thereon, to something like a compensation for the injuries experienced by me, although circumstances which have arisen out of those oppressive transactions alluded to render the injury I have sustained *incalculable*.

I do therefore hope and trust that as His Majesty's Government is now in possession of the report upon my case that it will be deemed proper speedily to give me a full and final answer, and that if no compensation is to be granted that I shall at all events be reimbursed the expences I have been put to in the business. I am &c.

(Signed) LANCELOT COOKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. MERRY, ESQRE.

DOWNING STREET, 15th February 1826.

SIR,—In answer to your letter of the 10th instant, I am directed by Earl Bathurst to acquaint you for the information of the Secretary at War that it appears from the last Returns transmitted from the Cape that Dr. James Barry has hitherto received the following Allowances on account of his civil situations in that Colony :

As Physician to the Governor's Household, 600 Rixdollars ;

As Vaccinating Physician, 1200 Rixdollars ;

As Inspector of the Colonial Medical Board, 2400 Rixdollars.

Dr. Barry was appointed to the two first mentioned Situations on the 7th of December 1817, and to the last on the 18th March 1822 ; but his Lordship has been given to understand that Dr. Barry had recently resigned his employments under the Colonial Government. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from H. HOBHOUSE, ESQRE., to R. W. HAY, ESQRE.

WHITEHALL, 16th February 1826.

SIR,—I am directed by Mr. Secretary Peel to transmit to you the enclosed Petition to the King, with its accompanying papers, from Lieutenant-Colonel Bird, praying, on behalf of the Inhabitants of the Cape of Good Hope, that the Ordinance establishing the Silver Currency of the Island may be repealed, and I am to desire that you will submit the same to the consideration of Earl Bathurst and acquaint the Petitioner with his Lordship's decision thereon. I am &c.

(Signed) H. HOBHOUSE.

[Original.]

Memorial of LIEUTENANT-COLONEL BIRD to the KING.

To the King's most Excellent Majesty.

The Memorial of Christopher Bird Esquire for and on behalf of Your Majesty's Loyal Subjects the Freeholders, Planters, Mortgagees, and others possessing large Landed and Personal Property in Your Majesty's Colony of the Cape of Good Hope, Most Humbly Sheweth

That from the first Establishment of the Colony of the Cape of Good Hope by the Dutch Gold and Silver Coin of Holland was introduced and became Current throughout the Settlement for the same Value they bore in Holland and that the usual mode of Computation in all matters of Business was in Cape Guilders and Rixdollars Reckoning the former at Sixteen Stivers Dutch Equal to as many Pennies British and the latter at three Guilders or Forty-eight Stivers Dutch Equal to four shillings British. That all Purchases, Loans, Contracts, and Engagements, both Public and Private, were Governed by this Calculation until the year 1782, when the then Governor Joachim van Plettenberg to Supply the Wants of Government occasioned by the War created for the first time a Paper

Currency which he not only Engaged should be reaccepted at the Value issued but he further pledged himself that it should be Redeemed as soon as Supplies should be received from Europe. Having thus reconciled the Colonists to the issue of this Paper Currency he ordered it to be Received as good and lawful Cash in all Transactions until re-exchanged. He at the same time fixed the Value of all the Foreign Gold then Circulating in Trade at their relative Value to the Paper Currency without any agio or advance and prohibited the Exportation of Specie thereby upholding such Paper Currency in its full value in relation to Gold and Silver. That in June in the same year he made a further Issue of Paper Currency in Pieces of Two Stivers under similar pledges to redeem and Ordered it to be received as good and lawful Cash Making with that before stated Rixdollars 159,607 6 4 in the whole, thus by Issuing a Limited quantity only maintaining its Value without the prop of the Precious Metals. The necessities of Government still increasing additional Issues of Paper Currency followed with similar pledges of reacceptance and redemption till the Total amounted to Rixdollars 925,219. An Arrival of Specie soon afterwards enabled His Excellency the Governor to Redeem at par Rixdollars 825,904 6, which were destroyed. The remaining Balance Rixdollars 99,315 1 4 continued in Circulation at par and as the necessities of Government required it, fresh Issues were occasionally made until in 1793 the Total Paper Money in Circulation was Rixdollars 895,143 34. In this year their Excellencies the Commissioners General to Enquire into all the Dutch East India Affairs arrived at the Cape of Good Hope. They effected the Establishment of a Loan Bank and directed that the Paper Currency should not exceed Rixdollars 1,000,000 deeming that sum adequate to all the Wants of the Colony and for that amount they pledged Landed Property and Farms the Castle and all Public Works and Buildings in Value (at a moderate appraisement made expressly for the purpose) amounting to 1,161,268 Rixdollars. That the War continuing and the Wants of Government increasing additional Issues of Paper Currency were made so that when the Colony Surrendered to Your Majesty's Arms on the 16th September 1795 the total amount of Paper Currency in Circulation was Rixdollars 1,291,276 42. This sum was guaranteed to the Inhabitants at

its full Value by the 8th Article of the Capitulation which is to the following effect " His Britannic Majesty shall continue the Paper Money in its present value to prevent the total ruin of the Inhabitants " and by an Additional Article in the Capitulation of that date and the Mortgage or Pledge of the Government Lands and Houses before made Confirmed reserving to the Government of Great Britain the use of the Public Buildings. There was also the following Engagement in the said additional article " And We will further represent to His Majesty's Government the Infinite Importance of this Subject (the support of the Paper Currency) to the future prosperity of the Colony and request that they will take it into Consideration in order to make such arrangements as may appear proper for its further Security if necessary or for its final liquidation if practicable." That the Paper Currency occasionally Redeemed in part and destroyed by Issues of Bills on the Mother Country (negotiated at $7\frac{1}{2}$ per cent as an Equivalent to Cover freight and Insurance on Specie) and by the partial substitution of Specie thus possessing the Guarantee of Government and the Security of its Lands and Public Works pledged for its Redemption maintained the full Value at which it was issued and actually passed in Exchange with Foreign Countries at a Discount barely Equal to the Charges of the Transit of Bullion and in 1797 was actually above par in Exchange for Bills on the British Government. That Sir James Craig and succeeding British Governors issued fresh Supplies to the amount of Rixdollars 495,000 under similar Pledges to those before stated. Yet notwithstanding this increase the Paper Rixdollar maintained its Value. At the restitution of the Colony to the Batavian Republic the Amount in Circulation was Rixdollars 1,786,276 42. The Batavian Governors by sometimes destroying and again increasing the issue of Paper Currency added to the last mentioned Amount in Circulation Rixdollars 299,723 6 making an amount of Rixdollars 2,086,000 in Circulation when the Colony a second time surrendered to Your Majesty's Forces. That the Paper Money in Circulation should continue Current as theretofore and the Land and Houses remain pledged as Security for their Redemption as agreed to by the 9th and 10th Articles of the Capitulation Sir David Baird the then Governor on the 23rd of the said month of January 1806

Issued a Proclamation by which he fixed the relative Value of the various Coins then introduced and in which Proclamation the Cape Skilling of Six Stivers is recognized as of Equal Value with a British Sixpence and the Rixdollar at 48 Dutch pennies or four shillings Sterling. That from such period the Government at the Cape of Good Hope continued in all their Proclamations to uphold the Value of the Paper Currency which continued to be Estimated in every Transaction Foreign or Domestic as well as in Exchange for Bills negotiated at Four shillings Sterling although the Balance or rather what through Competition was considered to be the Balance of Trade produced a Premium on Bills of Exchange in relation to Sterling Money fluctuating from the said year 1806 to 1810 from 15 to 25 per cent in Transactions with Great Britain although in Commercial Intercourse with other Countries the Rate of Exchange was not so high or so much to the prejudice of the Paper Currency. That the convenience and facility of Creating a Circulating Medium by issuing Paper Currency having been thus experienced by Government an additional Issue of Rixdollars 80,000 for the use of the Colonial Granary was sent into Circulation but with the express Declaration of Government that the same would be called in by Half yearly payments until the whole should be withdrawn from Circulation and Destroyed. This has not been done. That from 1806 to 1810 several small sums were issued amounting to Rixdollars 5,082 38 thus forming a total of Rixdollars 2,171,082 38 in Circulation notwithstanding the Issues of 1802, 1804 and 1806 as well as others to meet temporary exigence Redemptions if progressively made would have restored the Rixdollar to its Original Value for the Value of the Rixdollar had increased, the Depreciation having diminished from 25 to only 15 per cent. That notwithstanding the amount of Paper Currency was at this time (1810) larger than it had ever been before and as Your Majesty's Memorialist most humbly submits more than adequate to the real Wants of the Colony yet Government then determined upon a Creation of an additional million of Rixdollars in Paper Currency and by Proclamation of the 14th June 1810 directed the Issue of 500,000 Rixdollars part thereof. This superabundance immediately produced its necessary Consequence a rapid depreciation of the Paper Currency for a sudden rise

immediately took place in the Foreign Exchange of from 15 to 45 per cent. This increased the Prices in Currency of all Imported Articles as well those necessary for the use of the Cultivator as those for general Consumption. Those Civil Servants in the Employ of Government who were paid in Currency (being far the greater number) also became great sufferers, whilst the Upper Civil Servants who were paid in Sterling received the benefit of the Exchange. The amount of the latter was so great as to press heavily upon the Colonial Revenue which consisted of Rixdollars only. That the remaining 500,000 Rixdollars were issued gradually in 1812, 1813, and 1814, and had the same pernicious Effect of raising the Premium of Exchange. Indeed it now rose from 45 to 80 per cent which added greatly to the distresses of the Colony. The Upper Civil Servants however still received the increased Premium of Exchange on their Salaries thereby rendering the Colonial Revenue less efficient. That thus Circumstanced the Inhabitants of the Colony looked forward with a confident hope that as soon as the 500,000 Rixdollars invested in the Bank fund and which had for years yielded a very considerable annual Interest to Government should be repaid such Amount if not more would at least be redeemed and withdrawn from Circulation and greatly was that hope heightened when His Excellency the Governor issued his Proclamation of the 21st of June 1822 in which he declared his Opinion to the following effect " And Whereas it having appeared to me to be desirable and consonant to that guarantee which the Colonial Government has given to the Public relative to the Issue Circulation and Value of the Paper Currency of this Settlement that a proportion of the quantity in Circulation shall be from time to time called in and destroyed." But the Inhabitants of the Cape have deeply to lament that Expectations thus well founded have been disappointed. Your Majesty's Memorialist Craves leave further most humbly to submit that in consequence of the greater part of Your Majesty's Forces being withdrawn from the Cape and St. Helena and of the Stagnation of all Commerce the fall of Prices on all Articles of Export and the Destruction of Crops during three succeeding years the Balance of payments in a few years became so unfavorable as to increase the Exchange to a Premium of near 200 per cent with Great Britain. This

was an Accumulation of Misery. The Revenue of the Colony became inadequate to meet a most enlarged Public Expenditure and a System of increased Taxation necessarily ensued. In this Extreme distress with the most unbounded Attachment and Loyalty to Your Majesty and the most unlimited Confidence in Your Majesty's Government Your Majesty's Subjects at the Cape of Good Hope awaited the period when Your Majesty's Paternal Care should be extended to Relieve their Sufferings. In this state of anxious solicitude the Intelligence that Your Majesty had been graciously pleased to Command Silver and other Specie to be introduced into the Colony was hailed by them as the dawn of reviving Prosperity. But great was their disappointment when on the 6th of June 1825 an Ordinance of His Excellency the Governor in Council was promulgated containing the following Clause "Whereas His Majesty's Government has determined to establish the British Currency as the Circulating medium of all the Colonial possessions of the Crown and has further been pleased to order and direct that the British Silver Money shall be a legal Tender in this Colony in discharge of all Debts due to Individuals and to the Public at the Rate of One shilling and Sixpence for each Paper Rixdollar and so in proportion for any greater or less sum His Excellency the Governor in Council is pleased to Enact and declare that from and after the date of this Proclamation or Ordinance British Silver Money shall be a legal Tender in this Colony in discharge of all Debts due to Individuals and to the Public at the rate of One shilling and six pence for each Paper Rixdollar and so in proportion for any greater or less sum." That impressed with the Conviction that the said Ordinance not only depreciates the Value of a Coin hitherto invariably recognized as Equal to Four shillings Sterling in every Colonial Transaction to three eighths of its Original Value but that it also for ever renders in the same ratio the Value of the whole Property moveable and immoveable as well as Mortgages throughout the Colony represented by this Standard and that it thereby renders general and permanent those Evils which had been before temporarily felt and Confined to Commercial Transactions only. Believing also that had the redundant Paper Currency of the Colony been annihilated in the Spirit of the several Proclamations which Created it that the Remainder

would have recovered its original Value and that a corresponding advantage would have resulted in regard to all fixed and other Property Your Majesty's Loyal Subjects at the Cape of Good Hope have deputed Your Majesty's Memorialist most humbly to implore Your Majesty's Aid and Protection and to represent that if the said Ordinance should be permitted to exist there is not a Subject of Your Majesty throughout the Colony from the Wealthiest Proprietor to the poorest Orphan who can Escape without Loss and that Forty Millions of Rix-dollars or Eight Millions of Pounds Sterling of the Property of the Colony will be destroyed by this Ordinance.

Your Majesty's Memorialist most humbly Prays that Your Majesty will be graciously pleased to direct and Command the aforesaid Ordinance to be repealed and that it may also please Your Majesty to direct and Command the Paper Currency of the Colony so Created as aforesaid to be gradually Redeemed and destroyed and that Your Majesty will also be pleased to direct and Command that the Silver and other Specie of the British Empire already introduced into the Colony be left to find its own relative Value in All Colonial Transactions until the whole of the Paper Currency be withdrawn from Circulation and destroyed. And Lastly that Your Majesty will be most Graciously pleased to permit Your Majesty's Memorialist to be heard before Your Majesty in Council, by Counsel in Support of this Petition.

And Your Memorialist as in Duty bound will Ever Pray.

(Signed) C. BIRD.

17 CHARLES STREET, MANCHESTER SQUARE,
16th February 1826.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. A. HANKEY, ESQRE.

DOWNING STREET, 18th February 1826.

SIR,—I have laid before Earl Bathurst your letter of the 30th ultimo enclosing two Memorials from the London Missionary Society on the Subject of the Settlements of the Society at Theopolis and Caledon; and I am desired by his

Lordship to acquaint you in reply that he has considered it desirable to transmit these Papers to His Majesty's Commissioners of Inquiry at the Cape, with directions to report to his Lordship on the several points which the Society have submitted for consideration. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20 *February* 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 24th of September last, enclosing the Draft of an Order for ameliorating the condition of the Slave Population in the Settlements under your Excellency's Government, which you had prepared for the purpose of being submitted for the consideration of His Majesty in Council.

It is highly gratifying to His Majesty's Government that your Excellency has been enabled with the assistance of your Council to frame the enactments of this Order so much in accordance with the provisions of the Trinidad Order ; and I am of opinion that your Excellency has accounted in a satisfactory manner for deviating upon certain points from the Regulations of that Order.

Under these circumstances I should have felt no difficulty in submitting your Draft of the proposed Order for the consideration of His Majesty in Council, if it had not appeared to me that this Instrument might more conveniently be issued in the Colony as a Legislative Act of your Excellency's Government ; and it is for that purpose that I now return that document in the form of a Draft of an Ordinance which your Excellency will accordingly promulgate without delay, and transmit to me for His Majesty's approbation in conformity with your general Instructions.

Your Excellency will observe that the 26th Clause has been omitted in the Draft which is now returned to you, and it is in

consequence of a representation which I have received from His Majesty's Commissioners of Enquiry upon the subject that I have been induced to suppress the Clause in question. I concur with the Commissioners in thinking that the deficiency in places of divine Worship would render the provisions of that Clause in a great measure inoperative, while on the other hand the high profits which accrue from Slave labor render it highly inexpedient that this branch of public industry should be exempted from contributing to supply the means of providing for the deficiency of the Colonial Revenue ; and as I am not prepared to give you any reason to expect that His Majesty's Government can afford any assistance towards defraying the Expenditure which will be required for providing adequate means of religious instruction to the Slaves, it will be proper that your Excellency in Council should promulgate an Ordinance for levying an assessment of £1 Sterling upon all Slaves whose age shall exceed 8 years and fall under 60. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

NO. 1 CROWN COURT, BROAD STREET, 20th February 1826.

SIR,—In reply to your letter of 8th Inst. I beg to observe that the Settlers at Graham's Town Cape of Good Hope who had deputed me to apply to Lord Bathurst for conveyance of their wives and families thither had no idea that they would be required by His Majesty's government to defray any part of the expence of their conveyance, and although the Colony is in a flourishing condition yet the Settlers have not so far recovered from the difficulty they experienced on their first going out as to be able (at least for some time to come) to advance any considerable sum of money, and as they had reason to believe that if they had taken their wives and children with them in the first instance His Majesty's government would have provided conveyance for them in common with the other wives and children who actually *did* go out at that time they imagined

there would be no objection to their being sent out to them *now*, as they consider they are able to support them when arrived there.

I trust his Lordship will give directions that as far as relates to the *actual wives and families* a passage may be granted them, that the Settlers who *now* make this request may not be placed in a worse situation than those who took their wives and families with them. And with regard to the other persons memorialized for who are more distant relatives of the Settlers there, I trust his Lordship will be pleased to bear a considerable portion of the expence, and to signify to what amount, or portion, His Majesty's government will do for them, as these persons by increasing the *British* population at the Cape and thereby creating a balance with the Dutch who are as yet the most numerous, and I am willing to undertake the collecting the sum to be reimbursed, should it meet the approbation of his Lordship.

I should hope His Majesty's government would be the more inclined to send to a colony where females are so much needed, and I have further to beg that you will be pleased to signify the nature of the security required for the remainder of the expence, as I am ready to get any document signed by each individual, for I am not able to obtain the security of the parties in the Colony who deputed me, without too great loss of time and expence, and also beg to know the period within which His Lordship will require the reimbursement to be made. In the mean time I beg to inform his Lordship none of these your petitioners are Settlers that have gone out on their own account, but are of the number sent out by His Majesty's government in the years 1819 and 1820, and I have no hesitation in saying they will feel glad to satisfy the government as far as in their power for the sake of that feeling of content and happiness which results from having our families and relatives around us. I have &c.

(Signed) WM. SHEPHERD.

[Original.]

*Letter from MR. CONRADE MEYER to EARL BATHURST.*28 ESSEX STREET, STRAND,
LONDON, 20th February 1826.

MY LORD,—I take the liberty to submit the annexed Plan to the enlightened judgment of Your Lordship.

If my ideas on an Establishment of German Settlers at the Cape of Good Hope or at Van Diemen's Land could be confirmed by Your Lordship's sanction, I would then humbly offer my services for realizing them ; but if they would not be found eligible, I then beg to be excused for having troubled Your Lordship with a matter which I have only brought under Your Lordship's notice in order to make myself useful to a great number of suffering country people as well as to myself.

I finally beg leave of Your Lordship to accept the assurance of the high consideration with which I have &c.

(Signed) CONRADE MEYER,
Native of Zurich in Switzerland.

[Enclosure in the above.]

A great number of skilful German Peasants and Workmen of every description, informed of the residence I made some time ago in the Brazils, waited on me during my recent passage through Germany, in order to know my opinion on the Resolution they were about to take, to settle themselves in the Brazils. Completely convinced that the system of colonization adopted by the Brazilian Government is a very bad and imperfect one, I could not conscientiously recommend them to persist in the plans they had formed ; but I would have advised them to settle rather in any part of the foreign British Dominions had I had any Order or Power to do so.

It is therefore in favour of those German individuals who are anxious to save a small fortune which they still possess, but which they are afraid to see completely absorbed by the heavy Taxes laid upon them, and which Taxes are certainly no more in proportion to the very low prices of any of their agricultural

productions, that I think it proper to submit to the judgment of his British Majesty's Colonial Department the following Plan :

1. 150 families of German Labourers and 50 families of different kinds of Artificers, such as Carpenters, Masons, Smiths, Millers, &c., together 200 families, or about 1,000 individuals (wives and children included) are to be engaged by the undersigned in the name of the British Government, to be transported to the Cape of Good Hope or to Van Diemen's Land, in order to establish there a Colony, and to cultivate such parcels of Land as will be pointed out and distributed to them by the said Government.

2. The German Settlers, before they can be engaged, must prove to have regular passports, and also a special permission for emigration from their respective Governments.

3. Each Settler, male or female, above 15 years of age, shall pay 240 Rhenish florins to the British Colonial Department, and each male or female under 15 years of age shall pay 90 florins, which payment will establish the following calculation, viz.

400 males and females above 15 years of age, paying 240 florins each	96,000
600 do. under 15 years of age, at 90 florins each	54,000
I. e. 1000 Individuals paying together Rhenish florins	150,000
Or at 10 florins per £ sterling £15,000.	

4. The above mentioned sum of 150,000 florins, or £15,000, which indicates that each Settler, male or female, old or young, must be in possession of at least 150 florins, or £15 sterling, shall be transmitted through the hands of some respectable Merchant in Germany to His Majesty's Colonial Department in London, and that sum shall be employed to furnish the Settlers at their arrival at the place of their destination with some of those things which are of the first importance for rural industry, such as seeds, some agricultural instruments, and some Cattle.

5. Besides the above mentioned first expence, each Settler has to prove that he is moreover in possession of such a sum as will be estimated sufficient to procure himself during 18 months (to be reckoned from the time of his arrival in the Colony) all the provisions necessary for his own existence. It is expected that after the elapse of 18 months the cultivation of each

Settler's land will be so far advanced as to furnish him with sufficient provisions for his future support.

6. The Settlers must descend the Rhine at their expence, and will be embarked in Holland.

7. The British Government will transport the Settlers at its own expence from Holland to the place of their settlement. It will protect them in case of need, and grant them all those privileges, advantages, and rights, which all other Settlers in the foreign British Dominions enjoy.

8. The conveyance of all the luggage belonging to the Settlers will be free, and no importation duty will be taken at the arrival of the transport vessels in the Seaport where the Settlers will be landed.

9. The British Government will distribute to each family or to each Settler a certain quantity of such land as may be cultured and fertilized so as to produce all sorts of crops, plants, vegetables, fruit, &c. The minimum of the land given to each single Settler will be of square acres, and the maximum given to each numerous family will be of square acres.

10. The new Colony shall be established, if possible on the Sea Coast or on the banks of any River, and in some airy, healthy spot where fresh Water and Wood may be easily obtained.

11. The Settlers shall be free from all taxes or impositions whatever during 10 years, to be computed from the date of their arrival in the Colony ; but at the lapse of that period they shall then begin to pay such taxes as attach to all other Settlers living in the foreign British Dominions.

12. No Settler shall be allowed to sell the Land he received from Government within the above mentioned 10 years to any foreigner or individual not belonging to the Colony ; but he will afterwards be entitled to consider the Land and all that he got from Government as his own property, of which he then may dispose in any way he thinks proper or convenient.

13. Any Settler who shews uncommon ability and laborious industry in fertilizing and cultivating the district of land he received at his arrival on the Colonial spot shall be rewarded and honorably distinguished by the Government.

14. The new Colony shall be provided with a Church or Chapel and a public School ; and the Settlers will be accom-

panied by a German Vicar and his Assistant, a Physician and a Surgeon, which individuals will annually be paid by the Government.

I think that in the above mentioned way a fine Colony of Germans might very advantageously be established at the Cape of Good Hope or at Van Diemen's Land, and I would engage myself to carry the plan into execution if His Majesty's most honorable Colonial Department would agree to it, and if furnished with some official power I would be enabled to accomplish the above design with security and promptitude.

I submit these my ideas on colonization to the enlightened judgment of the said honorable Colonial Department, and I finally only observe that if this plan should have the honor of being considered worthy of being realized, I would then humbly offer my services, on the condition

1. Of having all the expences incurred in travelling in connection with this enterprise fully paid, and

2. To be rewarded, after having fulfilled the views of His Majesty's Colonial Department in a satisfactory manner, in such a way as might be considered adequate to the advantages gained by this Settlement.

(Signed) CONRADE MEYER.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21 *February* 1826.

MY LORD,—With reference to the Instructions conveyed to me in Your Lordship's Despatches of the 9th of May 1815 and 24 June 1823, I have the honor to forward to Your Lordship a Return shewing the extent of the new Ground brought into cultivation in the different Districts of this Colony from 1st January to 31 December 1824 inclusive. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Return shewing the extent of the new ground brought into cultivation in the undersigned Districts from the 1st January to the 31st December 1824.

District of the Cape	.	.	.	.	316 $\frac{1}{4}$	morgen
"	Simon's Town	.	.	.	14 $\frac{1}{4}$	"
"	Stellenbosch	.	.	.	648	"
"	Swellendam	.	.	.	10	"
"	Uitenhage	.	.	.	67	"
"	Graaff Reinet	.	.	.	390	"
"	Worcester	.	.	.	100	"
"	George	.	.	.	16	"
"	Albany	.	.	.	.	"
"	Somerset	.	.	.	900	"
Total .					2,461 $\frac{1}{2}$	"

A morgen is generally reckoned equal to 2 acres English, but the true proportion is considered to be 49.71 morgen to 100 English acres.

[Long particulars of grants in each district during the year 1824, and of converted loan places, being the records of Mr. D'Escury's office, follow, which would take up much space, and be of so little interest now that I have not copied them.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21 February 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 20th October last, No. 214, requiring to know, with reference to my report to Your Lordship on the alleged grievances of John Milner, whether Mr. Korsten has obtained, and upon what terms, a renewal of the lease of the Bird and Chuan Islands; and in reply I have to inform Your Lordship that at the expiration of the Lease held by Mr. Korsten, I directed Tenders to be advertised for, for the renewal of the Lease in question according to the terms contained in a Letter to the Landdrost of Uitenhage, of which a copy is enclosed. Mr. James S. King made the highest offer, which

would have been accepted, but he having subsequently proceeded to Port Natal without leaving an Agent here to transact his business for him, the Islands were not immediately put up in expectation of his speedy return, so that the Lease at this moment remains unoccupied, but as the probability of his coming back to the Colony appears now very problematical, no time will be lost in letting the Islands again. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

COLONIAL OFFICE, 20th July 1825.

SIR,—With reference to my letter to you of the 15th Instant relative to the proposed Lease of the Chouan and Bird Islands, I am directed by His Excellency the Governor to desire that you will state to the parties who may apply for the particulars of the conditions of the Lease of those Islands, that they are as follows :—

1. The tenants are to pledge themselves to keep the anchorage under the Islands perfectly clear.

2. They are to assist (should they or their servants be on the spot) all Vessels in distress off the Islands, or if driven on shore.

3. They are on no account whatsoever to allow of any vessel coming from Seaward to touch at the said Islands, or to have any communication with them or with the persons belonging to them, unless in distress as beforementioned, without the previous consent and authority of the Commandant and Government Resident at Port Elizabeth.

4. They must enter into a Bond with two securities in the penal sum of Rds. 1,000, to be forfeited for any wilful breach of any of the above regulations on their part, or on the part of the persons employed under them ; and they must further give sufficient security for the regular payment of the Rent of the Islands, at the times specified in the contract that may be made on the occasion. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

To the Landdrost of Uitenhage.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.CAPE OF GOOD HOPE, 21 *February* 1826.

MY LORD,—Deeming it absolutely necessary for the efficient discharge of the Duties connected with the Department of the Bank that the Directors be fully competent to the undertaking, I have the honor to report to Your Lordship that upon understanding that the state of Mr. Bergh's health was such as not to allow any chance of his being able to fulfil the Duties of his office as Director of the Lombard and Discount Bank, and that he would feel inclined to tender his resignation of his office had he any prospect of being able to subsist on the Funds at his disposal, I have been induced to accept of his resignation and to appoint W. Hewetson Esquire to succeed him; but in making this communication to Your Lordship I cannot omit to bear testimony to Mr. Bergh's claim to a Pension for his long Services under this Government and to request Your Lordship to recommend the same to His Majesty.

I have permitted Mr. Bergh to continue to hold the Office of Vice President of the Orphan Chamber, as the duties thereof are not of a nature to require constant attendance, but as the Salary is only Rds. 1500 or £112 10s. Sterling, it will be quite inadequate for his support in the absence of other measures.

Independently of Mr. Bergh's length of Services having been for a period of Forty-Two Years under the Colonial Government, it may strengthen his claim upon Your Lordship to know that Mr. Bergh is Uncle of Mr. Falck, the Dutch Ambassador at the Court of London.

I have the honor to enclose Copy of the representation made to me by Mr. Bergh on the subject, and to remain &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, *November* 25, 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 15th Inst., conveying to me His Excellency the Governor's willingness to accept of my resignation as Director

of the Lombard and Discount Banks, His Excellency being of intention to continue to me the advantages of my situation as Vice President of the Orphan Chamber, and to submit to His Majesty's Government at home my claim to a pension for life, as a compensation for the loss of the emoluments of my situation in the Bank.

In reply I beg leave to state for the information of His Excellency, that although the arrangement which His Excellency has been pleased to make will most severely affect my temporal interests, I must nevertheless subscribe to the justice on which the measure is grounded, as it is but too true that repeated attacks of Apoplexy have put it out of my power to render any essential service to the Bank. I beg further most gratefully to acknowledge the proof of His Excellency's favour manifested to me in his permission to my retaining the Vice Presidency of the Orphan Board and in his Lordship's design of soliciting from the British Government the grant to me of a remuneration for my many years service under the Colonial Government; but I cannot conceal from His Excellency that the Salary of Vice President of the Orphan Chamber, added to my private means, will in no wise be capable of affording me subsistence, the well-foundedness of which will I trust be allowed when I conscientiously declare that I was necessitated to live with scrupulous economy when, in addition to that salary and those private means, I was in receipt of my stipend from the Bank.

These circumstances compel me to bring my present situation under His Excellency's notice, and earnestly to request that taking into consideration my uninterrupted service of 42 years, during the last 30 of which I have officiated as a Director of the Bank, he will not suffer that when overtaken by age and infirmity, lingering on the brink of the grave, and incapable of acquiring any new means of support, I should fall a prey to sorrow and want; but that His Excellency will be graciously pleased to allow me to receive as a pension half the amount of the Salary attached to my late situation in the Bank, by which means I shall have Rds. 2,500 per annum wherewith to furnish support to a numerous family.

I at the same time trust that His Excellency's kindness will induce him to request from the Government at home the con-

tinuation of such allowance, while in the mean time I am prepared to provide ample security for the reimbursement of the same, should the sanction of His Majesty's Ministers to His Excellency's compliance with my Solicitations be unfortunately withheld. I have &c.

(Signed) A. V. BERGH.

To the Honorable
Sir Richard Plasket, Knight,
Chief Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21 *February* 1826.

MY LORD,—Having referred to the Law Officer of the Crown Your Lordship's Despatch of the 17th September last, No. 189, with its enclosures, directing that if it should appear that Mr. Bishop Burnett's Goods have been advertised by order of Government and that the Sale of them has not already taken place such indulgence may be granted to him as may be consistent with the purposes of Justice, I have now the honor to transmit to Your Lordship a Copy of Mr. Denysssen's Report, from which Your Lordship will perceive that no Sale of Goods belonging to the Individual in question has been advertised by order of Government as Creditor of his Estate. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The annexures are lengthy, and show nothing beyond the above except that there was a deficiency of Rds. 7,000 for distribution among private creditors, so I do not give them.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21st February 1825.

MY LORD,—With reference to my Despatch to Your Lordship under date the 28th September last, No. 229, I have now the honor to transmit to Your Lordship my Replies to the representations made to Your Lordship by Messrs. D. P. Francis and B. Wilmot, which I trust will prove satisfactory.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Memorial of MR. D. P. FRANCIS of 16 April 1825.

See volume xxi, page 40.

Remarks of Lord Charles Somerset :—

1st. The Settlement at Clan William was formed under the auspices of the Acting Governor, and it appears that upon the representation of the several Heads of Parties located there of the inadequacy of the Lands assigned for their maintenance, arrangements were made for their immediate removal to the Zuurveld, where Lands of an unobjectionable quality were proposed to be allotted to them according to the numbers of their respective Parties.

On behalf of such as removed to the Zuurveld, the Government engaged to bear the expense of Transport, as well by Sea as to the place of location, and in cases where it should be made clearly to appear that their provision of Food for the Season following their removal was rendered uncertain the Government undertook to supply rations free of charge from the public stores during the period required. If Mr. Francis declined availing himself of these indulgences, he can have no claim for compensation for the disappointment and losses which he states to have sustained at Clan William.

2nd. The fallacy of the Statement contained in the Second Article of complaint is shown by Lieutenant Colonel Somerset's report. From this it evidently appears that Mr. Francis was placed on his location on the 11th of October 1820, a few days after his arrival at Algoa Bay, and that he received the quantity of Land to which he was entitled.

3rd. Mr. Francis did apply to me by Memorial dated 20th August 1822 for the Lands surrounding his location near Assegay Bush, which I immediately referred to the Landdrost for his report, but he is incorrect in stating that I refused his application on the grounds given in his complaint, since in fact Mr. Francis had forfeited all title to the grant of any Land by having abandoned, and ceased to occupy his location. On the 27th November 1822 he applied to me for a grazing Farm, but the report of the Landdrost upon the Memorial presented by Mr. Francis will prove the invalidity of the claim set up by the Memorialist, it appearing therefrom that he quitted and removed all his property from his location several months previous. It was out of my power therefore to comply with Mr. Francis's request without breaking through the regulation laid down by His Majesty's Government, which directed that the Titles should be given only after the Locators had occupied their Lands for the term of three years, and it would have formed a very inconvenient precedent in Albany to have set aside this regulation.

With respect to Mr. Francis's proposal for the introduction of free labour into the Colony, I beg to refer to the Despatch I had the honor of addressing to Earl Bathurst on the 31st March last, in which I adverted to the want of Labourers and submitted two proposals for the attainment of this desirable object, I can only repeat what I there stated that without some assistance of this kind it is quite impracticable that the Settlers can succeed, the want of Labourers being the principal drawback to their prosperity.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

Memorial of Mr. Benjamin Wilmot of 14th April 1825. *See*
Volume xxi, page 30.

Remarks of Lord Charles Somerset:—

It would be irrelevant to enter upon the discussion of the private feuds that subsisted between Mr. Willson and his Party, or to advert to the terms upon the compliance of which he insisted on the part of such as had concluded an agreement with him in England any further than they relate to the interference of the Colonial Government on these occasions. The faith pledged in the assurances given to the Settlers will be found in this as in all other cases to have been strictly maintained, and it will be seen that the extraordinary indulgences shewn have been dictated by that Spirit of liberality which actuated the local Government in regard to the interests of the Settlers.

With the view of enabling Your Lordship to appreciate the merits of Mr. Wilmot's complaints, I beg to refer Your Lordship to the replies given by the Provisional Magistrate of Bathurst and the Landdrost of Albany at the time, and which I found necessary to call for, in refutation of such points contained in Mr. Wilmot's Statements as advert to measures executed under their authority, which involved the interests of the complainant.

Art. 1. From the Situation of the Brak River it was obligatory upon the Revd. Mr. Boardman, who took charge of the Location upon Mr. Willson's abandonment of it, to extend the allotments considerably to the rear in order that each might have the advantage of Water. The impartiality of the distribution was admitted, since no complaints of injustice in the division were made which could lead to a different conclusion. The assurance given as to the extension of these allotments rested upon a contingency beyond the control of the provisional Magistrate, and it does not seem that he held out any certain expectation of that contingency being removed. No objection would have been raised by the Government to the Messrs. Wilmot receiving their title to the Land upon which they had resided for the term stipulated in all grants made in the Albany District, had the issue been recommended by the Landdrost,

but as in a general report made by Mr. Rivers no testimony was borne to the industry of the Parties, sufficient grounds did not exist for placing them on a footing with those who had manifested a greater degree of exertion in the cultivation of the Land assigned to them.

Art. 2. In common with other Individuals there is no doubt that the Messrs. Wilmot suffered by the floods of 1823, and that their Lands received damage, but is it to be therefore urged that they were compelled to quit a Location upon which they assume to have expended a considerable Sum and to have a place elsewhere. Unproductive as the Situation might have been, the outlay of so considerable a Sum must have contributed to its improvement under any circumstances and rendered it preferable to a location to which they would be necessitated to bring all their resources to bear.

Art. 3. Mr. James Wilmot made application to me for a grant of land in the Grobbelaar's Kloof in lieu of his original location, but as the ground had been reserved for Government purposes and was not disposable, I directed an answer to be given to him to that effect on the 16th April 1824.

Arts. 4 and 5. The Colonial Government has given ear at all times to solicitations emanating from any quarter, and has never stooped to shew distinction to one Individual to the exclusion of the just right of another. The endeavours used by the Messrs. Wilmot to establish a settlement are unknown to me, nor am I aware of their ever having applied for any grant of Land save that at the Grobbelaar's Kloof. Their application, if made, would have been referred to the local authority, as is usual in such cases, and the grant would have depended upon his report. Their claim to the Land upon which they were originally placed, though not established, would have been admitted by the Colonial Government ultimately, had they continued upon it, but having abandoned the location they ceased to have any right to its title. That "there are persons holding from four to five extensive places in Albany, some of which they have had granted after they had disposed of prior grants for large pecuniary considerations" is a bare assertion unsupported by any fact, and not borne out (that I can ascertain) by any instance of the kind.

Art. 6. Mr. Thomas Willson's account with the Commissariat

Department for issues made to his party will shew that there is a balance against them for supplies of Rations and other Articles amounting to Rds. 17,054 2 3½, and that the Messrs. Wilmot therefore conjointly with the party are indebted to the Commissariat on this account.

Art. 7. The Cattle recaptured from the Caffres were invariably distributed among those who had suffered by the Depredations committed in proportion to the loss sustained. It is so far correct that 7,000 head of cattle were taken from the Caffres on the 4th December 1823, but the annexed return will show that 1753 only were retained for disposal, the remainder having been returned to the Caffres, it being a principle followed up by the Commanders of the Frontiers not to take more cattle than can be traced to their particular kraals. Colonel Somerset's letter covering the return alluded to explains satisfactorily the reasons which prevented the claims of the Messrs. Wilmot from being satisfied at the time. Had a sufficient number been retaken in order to being placed at the disposal of the Landdrost for distribution, the Messrs. Wilmot would have received their share, but it will be seen how inadequate the number retaken was for indemnifying the sufferers, since at this moment claims for 5061 head of cattle stolen by the Caffres still remain unsatisfied. Upon the representation of the Messrs. Wilmot of the loss they had sustained in Six Oxen by the alleged negligence of the Undersheriff at Graham's Town, they received a remuneration from Government of Rds. 500 or £37 10s.

Art. 8. The complaints that were frequently urged of the violation of the contracts entered into between Master and Servant, and the disregard paid by the former to the obligations to which he was bound, rendered it compulsory on the part of the Provisional Magistrate, as the only means of preserving the public peace, to dissolve the engagements made in cases where no amicable adjustment could be effected, and in the present instance it appears that the arrangement was voluntary and not an arbitrary act on the part of Captain Trappes. Even supposing the matter to have been judicially decided, the Superior Courts of Law being open to the party aggrieved, an appeal from the sentence pronounced would have been entered had redress for any injury been sought, but the acquiescence

at the time of the Individuals who abided in this decision argued their tacit acquiescence in the measure.

Arts. 9, 10, and 11. The case here alluded to by Mr. Wilmot is fully explained in the letter from the Gentlemen composing the Commission of Circuit at the time his complaint was preferred. As Plaintiff he had failed in substantiating his charge against any particular Individual, a circumstance of itself sufficient to annul all further proceedings, independent of the value of the Oxen the recovery of which he sought, amounting to less than Rds. 300, to which extent a civil case is in the first instance cognizable by the Board of Landdrost and Heemraden of the District in whose jurisdiction the Plaintiff resides. The advice given to Mr. Wilmot to prosecute his case before the Board was founded therefore upon principles of sound justice and was consistent with the Law of the Colony, and his reason, grounded upon this advice, for not commencing legal proceedings against Captain Trappes, in breaking through the engagements alluded to in Paragraph 8, admitting his statement to be correct that their dissolution was judicially effected, can only be viewed as an attempt to give a colouring to his case and an excuse for his omission to appeal from the Sentence passed by that Magistrate.

The Messrs. Wilmot having therefore abandoned the Location upon which they were originally placed, being indebted in a considerable sum to the Commissariat conjointly with the remainder of the Party for Provisions issued to them, having moreover received from the Colonial Government a sum of Rds. 500 or £37 10s. as an indemnification for the loss of the Cattle they allege to have sustained, which they themselves estimate at £30 only, and having neglected to appeal from the Sentence passed by the Provisional Magistrate at Bathurst dissolving the engagements entered into of Master and Servant, it is submitted to Your Lordship what consistency and what veracity pervades the Statement made by Mr. Wilmot, and with what justice the claim can be admitted which he now sets up for indemnification for the injury he affirms his interests and those of his brother to have sustained by the acts of the Colonial Government.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 21st February 1826.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 20th September last, requesting information relative to the fate of Mr. Duckitt an Agriculturist who was sent out to this Colony by the Government about 25 years ago, and in reply to transmit to you herewith a Certificate from the Landdrost of the Cape District that Mr. Duckitt died in that District on the 13th April last.

I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 22 February 1826.

MY LORD,—The Secretary at War having transmitted to me a requisition for clothing for the Cape Corps which has been forwarded to him by Lieutenant Colonel Somerset, I have to acquaint your Excellency that the Agent for the Colony has been directed to provide this Clothing, and I enclose a Communication which has been received from him in explanation of some circumstances connected with the last supply of Clothing sent out which had attracted the notice of Lieutenant Colonel Somerset. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to*
LORD CHARLES SOMERSET.

CAPE TOWN, 22nd February 1826.

MY LORD,—The approaching return of your Lordship to England added to the prospect of our early departure for Mauritius has made us desirous at this time of communicating our sincere acknowledgments for the uniform attention and civilities which we have received from your Lordship during the whole period of our residence in the Colony.

When we advert to the peculiar relation in which we have stood with the Colonial Government, and the events that have occurred within the last two years, we should not do justice to our feelings if we did not also acknowledge that the disposition you have uniformly manifested towards us, and the marks of public respect which you have testified for our official station and character, have tended greatly to facilitate the performance of our duties, and have evinced the anxious desire that has been felt by your Lordship to give effect to the views of His Majesty's Government.

Other and more public opportunities no doubt will occur for the formal acknowledgement of these sentiments, but as it is unlikely that we shall again have the honor of meeting your Lordship during the continuance of our mission, we feel confident that the motives which have prompted the communication of them at the present moment cannot be misunderstood, and we hasten to assure your Lordship that as our acknowledgments have proceeded from a conviction that they are strictly due to your Lordship, we shall at all times feel the greatest satisfaction in declaring them. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from G. HARRISON, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, 22nd February 1826.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of Earl Bathurst, copy of a Report from the Commissioners of Colonial Audit dated 14th October last, enclosing an Abstract of Receipts and Payments on account of the Government Farms at the Cape of Good Hope from 1814 to 1823 ; together with copies of two letters with their enclosures from Deputy Commissary General Hewetson at the Cape, respecting allegations contained in a Petition addressed to the House of Commons by Mr. Bishop Burnett, late a Settler on the Frontier of that Colony, touching the administration of the Commissariat Duties at that Station ; and also a copy of a letter from Assistant Commissary General Hayward at the Cape, upon the above subject ; and from which it will appear that the allegations in the Petitions of Mr. Burnett to the House of Commons, to which these papers refer, are unfounded. My Lords however request that you will call the attention of Earl Bathurst to the situation of the Government Farms at the Cape of Good Hope, and acquaint His Lordship that my Lords are of opinion that except under very extraordinary and urgent circumstances, the cultivation of Farms should not be carried on upon Public Account, and they therefore request His Lordship will send orders to the Governor of the Cape to take immediate measures for letting these Farms for terms of years not exceeding 20 years upon the best terms that can be obtained, and should it be impracticable to let these Farms upon advantageous terms, they are of opinion that it would be expedient to sell them.

I am &c.

(Signed) GEO. HARRISON.

[Copy.]

[*Letter from* MR. HERBERT PUGH *to* D. M. PERCEVAL, ESQRE.

CASTLE STREET, 22nd February 1826.

SIR,—I have the honor to acknowledge the receipt of your letter dated yesterday, and am directed by the general committee of Inhabitants memorializing for permission to establish a Joint Stock Bank to reply to the following question :—

“Whether it is their intention that each shareholder should be answerable for the engagements of the Bank to the extent of his whole property, or only to the amount of the shares which he may hold ? ”

That the memorialists will not consider themselves responsible for the engagements of the Bank or to the extent of their whole property, but that as an additional security each shareholder shall give a further security to the full amount of his share or shares, which being equal to the whole issues of the Bank must be deemed ample security to the Government and the public. I have &c.

(Signed)  HERBERT PUGH,
Secretary to the Joint Stock Bank Committee.

[Copy.]

Letter from the COMMISSIONERS OF INQUIRY *to*
SIR JOHN TRUTER.

The Commissioners of Inquiry present their compliments to Sir John Truter and have the honor to request his attention and answers to the enclosed Interrogatories arising out of an inquiry which the Commissioners have thought it their duty to institute into the manner in which the advice and opinion of the Members of His Majesty's Council was afforded to His Excellency the Governor upon his laying before them the papers and documents touching the expediency of altering the Constitution of the Medical Inspectorship and of vesting in a

Medical Board the authority that was exercised by the Medical Inspector.

CAPE TOWN, 22 *February* 1826.

[Similar letters were written to the Hon. Walter Bentinck and the Hon. Lieut.-Col. Bell.]

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 23 *February* 1826.

MY LORD,—Having on former occasions had the honor of soliciting Your Lordship's attention to the great benefits that would accrue to this Settlement by rendering Table Bay a Secure Port, and particularly in my Letter of the 8th June last submitting a plan suggested by Mr. Robert Knox for making a Mole, I have no hesitation in submitting to Your Lordship the enclosed Letter, and plan from Commodore Christian commanding His Majesty's Ships and Vessels on this Station on the subject of laying down Moorings for the Shipping in Table Bay.

Being myself totally uninformed on Nautical Matters I would not presume to offer any opinion upon the different Plans of Mole, Breakwater, and Moorings that have been suggested, but as this now proposed by Commodore Christian could be accomplished at so early a period, as it would not interfere with any more extensive Improvement that it might ultimately be found expedient to adopt, and as the Expense according to the Estimate will fall so very far short of either of the other plans (being not more than Five Thousand Pounds Sterling) should the Naval Department (which from the Quantity of Anchors in Store I have no doubt it will) supply the Moorings, I cannot but consider Commodore Christian's proposal well worthy Your Lordship's serious and early attention. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Owen Glendower, SIMON'S BAY, 1st January 1826.

MY LORD,—With reference to your Excellency's letter respecting the position of the Light House and the propriety of the directions for entering Table Bay, I trust that your Excellency is quite satisfied by the report of Captain Owen, the Senior Officer in command of the Surveying Squadron, of the propriety of my having employed that Officer in the late Survey, and that your Excellency is convinced that the frequent occurrence of Shipwrecks cannot justly be attributed to any dangers or to any difficulties whatever in the approach, common seamanship being alone required to avoid accidents.

I could not with propriety enter into the question as to what really was the cause of the frequent occurrence of Shipwrecks, but how such accidents may be avoided in future has occupied a great deal of my attention, and I consider it to be my duty to submit for your Excellency's consideration my opinion and the measures which, if adopted immediately, may prevent such unfortunate accidents in future, and gradually remove the fatal prejudice which exists against Table Bay as a Roadstead. I am aware that the propriety of running out a Mole or making a Breakwater has for some time engaged public attention. Although from the first I was not disposed to admit the possibility of either of these measures being found to answer the proposed object of making Table Bay a safe Port, I was not prepared to maintain that those measures were impracticable in the execution ; in order to demonstrate this to be the case, I fear I must trespass some time on your Excellency's attention, which nothing but the importance of the subject could excuse my doing on a question purely Colonial. I hope at the same time that your Excellency will feel that as my opinion has been called for, and having ordered the late survey, I should not evince the real anxiety I feel to promote the welfare and prosperity of the Colony by every means in my power, if I did not lay before your Excellency for consideration the reflections that the report and survey of Captain Owen has given birth to.

An attentive consideration of that survey will clearly establish that the propriety of a Mole or Breakwater is not merely a



Table Bay

Copied from a Survey taken by J. Goodridge Master

Attended with a Plan for Mooring for different Cl^{as} of Ships &c

Remarks a For Ships of 1000 Tons & upwards

b d^o 500 to 700

c d^o 300 to 500

d d^o Briggs & Schooners

The Soundings are in feet at low Water.

100 200 300 400 500

Scale of Fathoms 1000 to a mile

question for an Engineer, but one that calls for a Seaman's opinion, inasmuch as I am prepared to shew that a Breakwater would render the Roadstead dangerous in the heavy South-easters during the summer months, as it would become a difficult shoal to clear should any Vessel drive off the Bank.

Before I lay before your Lordship the plan I venture to propose, I will first state my objection to the Mole and Breakwater.

A mole run out north-east from the Amsterdam Battery would afford shelter for small craft only, as it would protect that part of the road contained in a south line of bearing only, the shoalness of the water would not admit a single ship of any magnitude lying within its protection, and experience has established the fact that all Mole Harbors encrease the tendency to fill up or become shallower every year, and the depth of water at its N.E. end, the nature of the ground, the heavy sea to which it will be exposed, requiring its foundation to be sunk some feet below the bed of the Bay (as at Ramsgate) will in my humble opinion prove not only very expensive, but as such a work cannot be executed by any resources known to me in the Colony, I feel confident that its execution will be attended with such serious difficulties and objections that it will either not be attempted or abandoned in six months.

A Breakwater presents no difficulties in its execution, more particularly as it is in the power of His Majesty's Government at home to direct the same Officers to superintend its execution as raised that splendid monument of British industry and skill at Plymouth. It is a work adapted to this Colony from the abundance of material and the local advantage that seems to present itself, if it was not a work that required time and an immense Capital to commence ; it will take years to complete, and little or no advantage felt until completed, continue all the time a very dangerous shoal, shutting up in a degree the entrance of the Road, and fatal shipwrecks in all human probability would occur in the winter and summer gales equally, it would be a most dangerous shoal, as no floating light could be as at Plymouth kept lying so far out, and in thick weather it would be considered by all seamen as an objection to their attempting to run in. Having thus briefly submitted my humble opinion in regard to a Mole and Breakwater, I shall proceed to my own plan.

I would suggest the propriety of laying down moorings, according to the annexed plan, as it is a well known fact that the ground tackling in the Merchant service is often very indifferent. I think it may fairly be inferred that some of the accidents may justly be attributed to that cause, and when the advantages that would arise to the Trade from being able to put to sea in an instant, the delay and labour of unmooring avoided, the position of every ship lying in the road being scientifically taken up, all berths clear of each other, and room afforded to bring up with their Bower anchors in case of accident, I am confident that in a short time the Road would be generally esteemed as safe, and that it would be as much resorted to as ever. No plan will succeed, if due attention is not paid to its execution. An efficient Port and Deputy Port Captain must be appointed with full and entire controul and command over the moorings and trade, a regular anchor Establishment formed with a Dock yard lighter, and the outer end of the new wharf constructed for and appropriated to them as an Anchor Depot. Two launches and two light boats with signal Lanthorns and a semaphore would be necessary and advisable, a code of signals should be drawn up for the trade, and should His Majesty's Government, upon consideration, deem such measures advisable and be disposed to adopt them, the moorings could be laid down in the first instance by the Navy, and all the regulations above alluded to established in one Summer, by the force under my orders in six weeks, that is each ship could in that time lay down six or more moorings, and I conceive 24 moorings for ships from 1200 to 300 tons ample ; moorings for small craft, if deemed necessary, could be laid down by the Port Captains. The Arsenals in England are crowded with old anchors, that could be easily made effective, and the freight the only real expense the Colony would be called upon to defray. The Port Captains assisted by the services of two Clerks could perform the duty of Wharfingers, and one office would suffice for this duty ; active experienced officers should be selected, as the success would mainly depend on the skill and vigilance evinced in the execution of the plan in the first instance.

A Port duty of five per cent on the expense incurred would be ample to maintain the moorings, and the wear and tear the

use of them would relieve the Merchant ships from more than compensate the tax that may be necessary to lay on each ship for the first six months, and in order to attract and encourage the trade to resort to Table Bay as heretofore, it may be advisable not to encrease the Port dues at first; if the plan should answer, and Shipwrecks are prevented, the Trade would cheerfully submit to a reasonable duty for the use of the moorings, advice and assistance rendered to them from the Port Office.

As the duty of the Port Captain would be arduous and great responsibility would attach to him, he should have the Patronage and be allowed to name for the appointment of Deputy and, if made, Wharfinger, that of the two clerks, subject of course to the approbation of the Colonial Government, who would possess perfect controul over the whole Establishment.

As the prosperity of the Colony must ultimately depend on its trade, and as neither Saldanha Bay or Simon's Bay can be considered as affording much, if any, facility to the trade of Cape Town, I am confident your Excellency will not hastily reject the Plan I have the honor to suggest, and I am quite certain that whatever may be your Lordship's final decision in the matter, you will pardon my having trespassed so much upon your attention, as I can have no other motive for doing so but a desire to promote the best interests of the Colony.

I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

To His Excellency Lord Charles Somerset.

[Original.]

Memorial of DANIEL DENYSSSEN, ESQRE.

To the Right Honorable the Earl Bathurst, His Majesty's Secretary of State for the Colonial Department.

The Memorial of Daniel Denyssen Sheweth :

That Your Lordship's Memorialist has served Government in the capacity as Member of the Court of Justice from the first

establishment of that Court by the late Batavian Government in the year 1803 until the month of April 1806, when he was discharged at his special request, preserving the rank enjoyed by him as a Member of the Court, and was permitted to practise as an Advocate.

That from the said period until the decease of the late President of the Worshipful Court of Justice, W. S. van Ryneveld, Esqre., which happened on the 14th August 1812, Memorialist has practised as an Advocate, and has enjoyed the confidence of the Inhabitants.

That at the time of the decease of the late W. S. van Ryneveld, Esqre., the then Governor Sir John Cradock, now Baron Howden, was graciously pleased to offer the Memorialist the vacant situation of His Majesty's Fiscal.

That Memorialist, highly sensible of the flattering distinction which he was honoured with by His Majesty's Government, did not hesitate to accept the Office of His Majesty's Fiscal, which so much has employed him that he has been constantly obliged to dedicate his whole time to his official business, and to sacrifice to the same the emoluments of his former situation as Advocate, which in consequence entirely devolved upon others.

That Memorialist from the 28th August 1812 on which he was appointed until now has performed the duties of his Office without any interruption whatever, and without ever having applied for leave of absence to the Governor.

That according to His Excellency the Governor's Proclamation of the 5th July 1822 from the beginning of the next year 1827 the English language will be exclusively used in all judicial acts and proceedings, which not unlikely will lead to very great changes in the judicial establishments in this Colony, and thereby involve the Memorialist as Procurator General for the Crown into hitherto unexperienced difficulties.

That however inadequate Memorialist may judge his talents to the duties which he then will be called upon to perform, Memorialist having been educated for the Dutch bar, his private circumstances most imperiously demand from him to undertake the performance thereof, unless His Majesty may be pleased to take into His Majesty's most gracious consideration the long and faithful services of Memorialist, he having acted

in his very laborious and responsible public Situations much longer than any of his predecessors is known to him to have acted in the same, and also having in defiance of repeated undeserved complaints of individuals partly preferred to Your Lordship such as the complaints of Short, Theron, and others, and partly to His Excellency the Governor, always to the best of his knowledge and belief succeeded in meriting the approval and full satisfaction of his employers, and in consideration of these motives to allow Memorialist to retire upon full pension, which only would enable him to provide for the decent maintenance of his family, he having been unable to save any part of the Salary enjoyed by him during the time of his whole service.

That the Salary at present enjoyed by Memorialist is Eleven Thousand Five Hundred Rixdollars Cape Currency, which is now equal to the Sterling value of Eight Hundred and Sixty Two Pounds and Ten Shillings, whereas at the time of his appointment he enjoyed the Salary of Ten Thousand Rixdollars, which was then equal to One Thousand Three Hundred and Thirty Three Pounds and Ten Shillings Sterling value, the average rate of the exchange at that time being about fifty per cent, and to which were then added the emoluments attached to the situation, which however are now taken from the same.

Memorialist therefore most humbly prays His Majesty may be graciously pleased to allow him at the expiration of this year 1826 to retire upon full pay.

Memorialist being always willing should His Majesty accede to his request to advise Government in all matters in which his legal opinion may be required.

And your Memorialist as in duty bound will ever pray.

CAPE TOWN, CAPE OF GOOD HOPE, 23rd February 1826.

(Signed) D. DENYSSEN.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*CAPE OF GOOD HOPE, 24 *February* 1826.

MY LORD,—I have the honor to transmit to Your Lordship a Copy of a letter from Mr. Robertson, the English Instructor at Graaff Reinet, announcing his intention of resigning his situation at the expiration of his engagement with Government.

It is unnecessary to obtrude upon Your Lordship the necessity of providing for a Successor to Mr. Robertson, and I therefore merely submit this Case to Your Lordship's favorable consideration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

GRAAFF REINET, 24th *January* 1826.

SIR,—As I am much interested in the future welfare of the Government Seminary established here and am anxious to give his Majesty's Government the earliest notice of my intentions, I beg leave to submit through you to His Excellency the Governor that on the expiration of my present engagement with Government, I purpose to return to Scotland to prosecute a course of Theological Studies and enter into holy orders. I beg further to mention that as I intend to take my vacation at the end of my period of service, I shall be ready to leave this place about the middle of May 1827.

You will perceive, Sir, that my only object in giving this early notice is that His Excellency may be enabled either to order a Successor from England or make such arrangement as is by him deemed necessary for the good of the establishment.

I beg also to give it as my opinion that it might be of considerable importance to the seminary if my Successor could be here some time before my departure, in order that he might be initiated into the System. I have &c.

(Signed) WILLIAM ROBERTSON.

To the Honorable Sir Richard Plasket, Knight,
Chief Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th February 1826.

MY LORD,—Having been lately under the necessity of causing two Items of Expenditure to be carried to the Public Accounts which were incurred in the course of the years 1821, 1822, and 1823, one for rebuilding the Resident's house and public buildings at Saldanha Bay, amounting to Six Hundred and Fifty-Seven Pounds Eleven Shillings and Three Farthings Sterling, the other for repairing the Roads leading from Cape Town to Wynberg, amounting to Seven Hundred and Forty-One Pounds and Nine Pence Sterling, I have the honor to acquaint Your Lordship therewith.

The extensive alterations done to the Resident's dwelling in Saldanha Bay were undertaken upon the authority of the Acting Governor in the commencement of the year 1821. The damage to the Roads in the Wynberg direction were occasioned by the destructive Storms of 1822, which I had the honor to report to Your Lordship in that year, the expence incurred on account of their repair was intended to have been defrayed from that part of the loan of One Hundred and Twenty-Five Thousand Pounds Sterling for the repairs of Government Buildings, Bridges, Roads, &c., which Your Lordship sanctioned for the relief of the Colony under the representations which Major Cloete had the honor to deliver to Your Lordship in 1822, but which Sum was afterwards withheld.

Under this expectation the amount was temporarily advanced from the Treasury, but as these payments are about to be covered by regular Warrants, I deem it necessary to report this circumstance to Your Lordship, and to request that Your Lordship will accord Your sanction to the Expenditure incurred for the repair of the Wynberg Roads, as well as the Expence incurred at Saldanha Bay, as I do not find from the Records of the Colonial Office that any application was made to Your Lordship for Your authority for this latter Expence.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24 February 1826.

MY LORD,—I have the Honor to transmit to Your Lordship copies of a correspondence that has passed between the Colonial Government and the Resident at Port Elizabeth on the subject of the prerogative assumed by the latter of remitting the Fines to which certain Individuals were sentenced by his Court, amounting together to Rds. 170.

In consequence of the Irregularity (which appears to have arisen from Inadvertence) in those cases, I directed the parties to be called upon for payment of the Fines awarded, but as both the Landdrost of the District and the Resident have strongly solicited their remission under the circumstances represented in the accompanying Papers, I beg to solicit Your Lordship's authority for so doing. I have &c.

 (Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Extract of a Letter from the Magistrate at Port Elizabeth to the Secretary to Government, dated 7th November 1825.

I have been called upon by the Landdrost to transmit a Statement of such fines as I might have levied since my appointment and to pay the amount into the hands of the Secretary, this I of course feel it my duty to comply with, and shall most strictly attend to, but having remitted those of a few poor indigent labourers with large families of children who if the beds from under them were sold would not be able to pay even the expenses much less the fine, I am now called upon by the Landdrost of the District, as per following extract of a letter, to send in copies of all my proceedings, that the right of mitigating these fines without authority may be submitted to His Excellency the Governor.

^{For} "As the Landdrost will submit to His Excellency the Governor the competency of your remitting the fines in question,

he requests to be furnished with copies of your Court in the cases where the fines have been remitted. You will also be pleased to furnish me with a similar return of fines, but signed by yourself, as the one already sent in was without signature."

It would of course appear from this last paragraph that the Resident is also under the control of the Secretary of Uitenhage. That fines are to go to the benefit of that district I am well aware, but I trust I am not wrong in my ideas that in order to enrich that District Chest at the expence of a poor and ignorant race of people I was deprived of the power of extending mercy to them by a mitigation of their fines under those particular circumstances. I trust I am only adhering to the dictates of a Government whose object is to have their Laws administered with mercy, judgment, and equity, and without oppression.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 24 *November* 1825.

SIR,—I have submitted to His Excellency the Governor your letter of the 7th Instant together with one which Colonel Cuyler, the Landdrost of the district, addressed to me upon the same subject.

His Excellency desires me to say that you have taken upon yourself a Prerogative (in the remission of Fines to which certain Individuals have been sentenced by your court of Magistracy) which no one has a right to exercise in this colony but His Excellency the Governor himself, and that all your Proceedings in this case have been illegal and must be cancelled.

You will therefore be good enough to call upon the parties to pay the amount of Fines to which they have been sentenced, without delay, and His Excellency desires you will in future take no responsibility or authority upon yourself that is not clearly pointed out and defined in your instructions from Government or by the Proclamation establishing your court of Magistracy. I am further to signify to you His Excellency's pleasure that in any written communication which may be necessary between the Landdrost of the district and yourself, you will address Colonel Cuyler direct, and not correspond

with his secretary, and I have given the same Instructions to that Officer. I have &c.

(Signed) RICHARD PLASKET, Sec. to Govt.

To the Government Resident at Port Elizabeth.

P.S.—Should there be any hardship in the case of any of the Individuals fined which would lead His Excellency to take the subject into consideration, they must apply in the usual and proper manner, viz. by Memorial to His Excellency the Governor for such favor.

(Signed) R. P.

[Enclosure 3 in the above.]

To His Excellency the Right Hon'ble General Lord C. H. Somerset, Governor and Commander of the Forces, &c., &c., &c.

The Petition of Francis Evatt humbly sheweth

That Petitioner has recently been appointed Resident Magistrate to this Station by Your Excellency.

That Your Excellency's Petitioner has unintentionally and unwilfully infringed the Law and exercised a power and authority not vested in him by a remittance of a few fines, and thereby incurred Your Excellency's displeasure, for which Petitioner is exceedingly sorry.

That Your Excellency's Petitioner having so offended is directed to cancel his mistaken and illjudged lenity, and to cause these fines to be levied.

That Your Excellency's Petitioner being led to this breach of unauthorised lenity through ignorance humbly prays Your Excellency will view his motives in a favorable light and be graciously pleased to remit said fines or condemn the Petitioner alone to be the sufferer.

And Your Excellency's Petitioner as in duty bound will ever pray.

(Signed) F. EVATT, Resident.

[Enclosure 4 in the above.]

UITENHAGE, 7th December 1825.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 24th Ultimo, with its enclosure, copy of a letter to the Government Resident at Port Elizabeth, and have the honor to request you will be pleased to solicit His Excellency the Governor to be so good as to look over the step Captain Evatt has taken in the remission of the fines specified in the return transmitted with my communication of the 8th Ultimo, as I am persuaded he did such with no idea to assume any prerogative, but through a mistaken conception of Humanity. I shall be extremely gratified if His Lordship will condescend to do me the favor to confirm the remission of those fines, trusting such an error will not occur again. I have &c.

(Signed) J. G. CUYLER.

Sir R. Plasket, Secretary to Government.

[Enclosure 5 in the above.]

COLONIAL OFFICE, 22 December 1825.

SIR,—In reply to your Memorial under date the 6th Instant praying that the Individuals sentenced by your Court of Magistracy to certain Fines, which you have taken upon yourself to remit, may not be called upon for the payment of the same, I am directed by His Excellency the Governor to acquaint you that He cannot sanction the remitting the Fines in question without the authority of Earl Bathurst, with whom he will communicate on the subject. I have &c.

(Signed) RICHD. PLASKET.

The Government Resident at Port Elizabeth.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24 February 1826.

MY LORD,—I have the honor to inform Your Lordship that Mr. Rowles, Secretary to the Court of Appeals in Civil Cases, died suddenly on the 20th of January last.

Your Lordship is aware that in the Civil Court of Appeals I had no Assessor to give me legal advice, and that the only assistance I derived in my duties as Judge of that Court was from the experience and long practice of the Secretary Mr. Rowles.

Having frequently found myself embarrassed from the want of regular legal advice, and feeling that the Lieutenant-Governor who will have to preside in that Court during my absence from the Colony will suffer equal, if not greater, difficulty from his want of local information, I have deemed it advisable as a temporary measure, until the Judicial changes shall be finally effected, to call in the aid of Mr. Kekewich, Judge of the Vice Admiralty Court and one of my Assessors in the Court of Appeals for Criminal Cases, as Assessor in Civil Cases.

I have attached an allowance of Two Hundred Pounds Sterling a year to the appointment, and have deducted the amount from the Salary of the Secretary to the Court, which situation I have given with the reduced pay to Mr. Serrurier, who has been acting as Assistant to the Secretary for the last sixteen years. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, February 24th 1826.

GENTLEMEN,—With reference to that part of your letter of the 8th January in which you recommend some increase of allowance to Messrs. Brink and Zastron, I beg leave to request

you will favour me with your opinion as to the amount of the salaries you would recommend for these gentlemen, consistently with the arrangements under your consideration for the Civil Servants in general. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.] 

Letter from SIR RICHARD PLASKET *to* P. G. BRINK, ESQRE.

COLONIAL OFFICE, 24th February 1826.

SIR,—Under the peculiar circumstances in which His Excellency the Governor is proceeding to England with the concurrence of Earl Bathurst, He deems it necessary with a view to give full effect to the wishes of His Majesty's Government, that some official Person conversant with the public Acts of this Government and with the detail of Business which has been transacted during the last three years should accompany Him to England, and as He knows no one so capable as yourself of explaining any references which may be made to such Acts or to any points connected with the public administration of His Government, during the period abovementioned, He feels Himself under the necessity of directing you to accompany Him to England.

As this arrangement is solely connected with the Public Service, His Excellency desires me to add that you will be entitled to your full Salary during your absence from the Colony on this duty, and to the reimbursement of such necessary and moderate Expences as you may be subjected to on your voyage out and home and while employed in England on public duty. I have &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 *February* 1826.

MY LORD,—Having called upon the Superintendent of Police in this Colony to act in conformity to Your Lordship's directions as conveyed to me in Your Despatch of the 19th October last, No. 213, I have now the honor to transmit to Your Lordship a copy of a letter from that officer covering a Judicial Certificate of the delivery of the Summons enclosed in the above Despatch, to the Widow of J. G. H. Neumeister residing in Cape Town.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

POLICE OFFICE, CAPE TOWN, 25th *February* 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 14th Instant, giving cover to a copy of a Despatch from the Secretary of State for the Colonies, together with a Judicial Summons which the Government of the Prince of Reuss at Lebenstein has requested to be delivered to the Widow of Johan George Heinrich Neumeister residing in Cape Town.

I have the honor agreeable to His Excellency's commands to transmit the Judicial Certificate of the delivery of said document.

I have &c.

(Signed) W. C. VAN RYNEVELD,
Superintendent of Police.

To the Secretary to Government.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*CAPE OF GOOD HOPE, 25 *February* 1826.

MY LORD,—I have already had the honor of fully explaining to Your Lordship the motives by which I was influenced in issuing the Proclamation of the 18th March 1823, for bettering the condition of the Slave population in this Colony, and Your Lordship would have foreseen that by the 4th Clause of the Proclamation in question requiring the Proprietors of Slaves to send their Children to the Free Schools established in the Settlement provision was necessary to be made for the accommodation of the encreased number that would in consequence have to receive the benefit of Education.

A representation having been made by the Bible and School Commission of the necessity of enlarging the Free School I was compelled to sanction the Expence incurred on account thereof, amounting to Seven Thousand Eight Hundred and Fifty Rix-dollars or Five Hundred and Eighty-Eight Pounds and Fifteen Shillings Sterling, as Your Lordship will perceive by the enclosed Copy of a letter which I have desired to be addressed to the Auditor General in this Colony, and I trust Your Lordship will approve of the measures which I have adopted in this case.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 24th *February* 1826.

SIR,—In reply to your letter of the 9th Instant, requesting to be informed whether the Secretary of State's sanction has been obtained to the Expence of enlarging the Free School in Keerom Street, amounting to Five Hundred and Eighty-Eight Pounds and Fifteen Shillings Sterling, I am directed by His Excellency the Governor to transmit to you herewith an Extract of a Circular Despatch from the Secretary of State for the Colonial Department in which the importance of establishing the means of education for the Slaves is particularly adverted

to and in which His Excellency is assured that His Majesty's Government would apply to Parliament for such pecuniary grant as might be necessary for this purpose.

I have also to forward to you herewith a copy of the strong representation of the Bible and School Commission of the necessity which existed for enlarging the School in Keerom Street, and to acquaint you that under these circumstances His Excellency considers himself sufficiently authorised to sanction the expence in question, but that His Excellency will notwithstanding transmit a copy of this letter to Earl Bathurst and apply for His Lordship's authority to the work above alluded to. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.
The Auditor General.

[Enclosure 2 in the above.]

CAPE TOWN, 12th May 1823.

MY LORD,—In consequence of the representations made to us by the Reverend Mr. Wright, who superintends the system of education in the Free School, that the encreased number of Scholars at the said School (which is likely considerably to augment, particularly after the benevolent measure taken by Your Excellency in your Proclamation of the 18th March last) render the Schoolroom much too small and inconvenient, it being often so crowded as to oblige several of the children to leave it by indisposition arising from the confined state of the air; the Commission have maturely considered the important subject, so beneficial to the poorer class of this Town, and beg to lay the following proposal before Your Excellency, viz. :

As there is a piece of ground at the back of the Free School belonging to T. Bernard, by attaching which to the premises the Schoolroom may be lengthened seventy feet and the inconvenience complained of removed, this piece the said Bernard on our application declared himself willing to part with for Six Thousand Five Hundred Guilders. The Commission propose that the said piece of ground, as being the only means of effectually enlarging the Free School may be purchased and the building of the Schoolroom lengthened seventy feet,

the expence of which has been estimated by Mr. Schutte at Seven Thousand Six Hundred Rixdollars.

The Commission however not having the means of effecting this so necessary and desirable improvement, further take the liberty to pray that the above sums of Six Thousand Five Hundred Guilders and Seven Thousand Six Hundred Rixdollars may be granted by the Colonial Government towards carrying into effect the plan before laid down, and which they repeat is the only one calculated so to enlarge the Schoolroom of the Free School as to admit almost any number of children for instruction, which its present state does not allow.

We have &c.

By order of the Bible and School Commission.

(Signed) O. J. TRUTER, Secretary.

His Excellency the Right Honorable
Lord Charles Henry Somerset,
Governor and Commander in Chief, &c., &c.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25th February 1826.

MY LORD,—I have had the honor to receive Your Lordship's Despatch of the 11th November last, No. 217, relative to the Memorial from Mr. George Greig for the restitution of his Types, and I am happy to say that Your Lordship, by ordering a new Sett of Types to be sent out and placed at Mr. Bridekirk's disposal, will enable me to comply with the wishes and intentions You had expressed in a former Dispatch upon this subject, and which it was at the time totally out of my power to give effect to.

I have submitted Your Lordship's Letter to Council and have informed Mr. Greig of Your Lordship's intentions towards him, as per accompanying Enclosure.

With reference to that part of Your Lordship's Despatch which alludes to the complaint made by Mr. Greig of Mr.

Bridekirk not being placed under the same restrictions in the selection of subjects for insertion in his Journal, I beg leave with the view of convincing Your Lordship how totally unfounded such complaint is, to annex Copies of the two Bonds which have been entered into by the Editor in August 1824 and by Mr. Bridekirk the Printer in May 1825. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 15 February 1826.

SIR,—With reference to the letter which I addressed to you under date the 13th Instant, I now forward by desire of His Excellency the Governor Copy of the Resolutions of Council on the subject of the despatch which has been received by His Excellency relative to the Memorial which you addressed to him on the 20th August last, and which His Excellency transmitted to Earl Bathurst. I am &c.

(Signed) RICHD. PLASKET.

To Mr. Geo. Greig.

[Enclosure 2 in the above.]

Having obtained the permission of His Excellency the Governor to edit a Weekly Paper to be entitled the *South African Chronicle and Mercantile Advertiser* on condition of giving Security in the Sum of Ten Thousand Rixdollars Cape Currency that the pledge distinctly and unequivocally given by me, viz. “*the strictly excluding from that paper all topics of political or personal controversy*” shall be rigidly adhered to. I therefore hereby bind myself unto the Government of this Colony in the penal Sum of Ten Thousand Rixdollars, to be forfeited and paid by me, my Heirs, Executors, or Administrators, in good and lawful money of this Colony, in case I shall fail in performing the conditions upon which I obtained His Excellency the Governor’s Sanction for the publication of the Newspaper above alluded to, viz. *the strictly excluding from it all topics of Political or Personal Controversy*. And for the

due fulfilment of the conditions of this obligation I further bind my person and property according to Law.

Given under my Hand and Seal at Cape Town, Cape of Good Hope, this seventeenth day of August One Thousand Eight Hundred and Twenty-four.

(Signed) A. JOHNSTONE JARDINE.

Signed, sealed and delivered in the presence of

(Signed) P. G. BRINK,
Acting Chief Secretary to Government.

[Enclosure 3 in the above.]

Having obtained the permission of His Excellency the Governor to establish a Printing Press in this Colony and to publish a Weekly Paper entitled the *South African Chronicle and Mercantile Advertiser*, of which Paper Mr. A. Johnstone Jardine has received His Excellency's License to be the Editor, upon condition (to the strict performance of which he the said A. Johnstone Jardine has bound himself in the penal sum of Ten Thousand Rixdollars) that the said Paper shall be solely and exclusively conducted and arranged by him the said A. Johnstone Jardine, and that topics of political and personal controversy shall be strictly excluded from it; Now be it known, and by these presents declared that I, William Bridekirk, Senior, Proprietor of the said Printing Press, do hereby bind myself and make voluntary consent to give and cede the entire Editorship of the said Paper to the said A. Johnstone Jardine, in order that the same shall be entirely under his control and management as to composition and the insertion and rejection of matter and information to all intents and purposes whatsoever. And I do moreover bind myself that I will not insert in the aforesaid Paper any Matter, Notice, or Article whatsoever which shall not have been previously submitted to and have received the sanction of the said A. Johnstone Jardine, on pain, in case of the breach of all or any one of these conditions, of being deprived by order of the Colonial Government of all Right or Licence to use the said Printing Press for the printing of any Newspaper or Journal whatsoever, and of further

subjecting myself to a penalty of One Thousand Rixdollars, to be recovered by the usual process at Law.

In witness whereof I have signed these presents with my usual Signature and affixed my Seal thereto at the Cape of Good Hope this Tenth day of May One Thousand Eight Hundred and Twenty-five.

(Signed) WM. BRIDEKIRK, Senior.

Signed, sealed, and delivered in my presence, at the Colonial Office, Cape of Good Hope, this Tenth day of May 1825.

(Signed) P. G. BRINK,
Assistant Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, 25th February 1826.

GENTLEMEN,—I had the honor some time since to receive your letter of the 8th ultimo, submitting to my consideration various suggestions that have offered themselves to you in regard to the changes which may be made with advantage in the present establishment of this Government, as well as to the means of improving the Revenues of the Colony generally.

You are aware that I have delayed replying to this letter in the expectation that by the arrival of General Bourke some definite arrangement would have been communicated in regard to the nature and extent of the proposed division of this Colony into two Districts.

As it appears however that no decision has yet been made by His Majesty's Government on this important point, I shall no longer delay replying to your letter and making such observations thereon as appear to me expedient, so far as I am enabled to do in the uncertainty under which we labour as to the future arrangements for the Eastern District.

1st. Colonial Office. In regard to the office of Chief Secretary to Government a considerable reduction in its establishment

may certainly take place when the proposed arrangement for transferring the Registry of Bonds and the making of the Plans and Diagrams of Lands to some other Department shall be effected.

2nd. Treasurer. On the establishment of a Treasurer the office of Receiver General of Land Revenue may certainly be dispensed with, and the Land Revenue collected by the several Landdrosts and paid direct into the Treasury. The duties of Colonial Paymaster may with great facility be thrown into the Treasury, and the office of Collector of Tythes and Transfers may be abolished, provided the duties of collecting such Taxes be transferred to any other Department of Revenue, but I think it may be deemed objectionable to make the Treasurer a collector of any Receipts or Taxes in detail.

3rd. Judicial Establishment. The Judicial Establishment must entirely depend upon the arrangement made for the new Court of Justice, but I conceive that there will be a strong necessity for the appointment of sitting Magistrates in Cape Town, with a minor jurisdiction both civil and criminal, to be in constant daily attendance from 9 a.m. till 3 p.m. This duty of course cannot be taken by Puisne Judges in the event of the Judicial Court being so constituted. The Police will certainly require reorganization and a greater degree of efficiency and activity, and I trust the arrangements lately recommended by you for this Department will in a great measure produce that effect, but I think the Superintendant of Police will require some additional assistance in his own office so long as his Deputy has the charge of Judicial Cases before the Commissioner of the Court of Justice or Sitting Magistrate, and which (should the establishment of sitting Magistrates be approved) I think would be better to be taken out of the hands of the Police, whose duties should be exclusively executive.

4th. Orphan Chamber. I have already arranged with the President of the Orphan Chamber for throwing upon that institution the whole expence of its establishment, and I propose that that arrangement should commence from the beginning of the present year.

5th. Sequestrator's Office. In the Sequestrator's office the Vendue Sales have been ordered to be transferred without delay to the Vendue Department. The future Establishment

of this office will much depend upon the constitution of the new Courts of Justice, which will probably take upon them one of the branches of its duties. At all events it will I think be absolutely necessary that the charge of Insolvent Estates should be separated from the other duties of the Sequestrator's office.

6th. Custom House. I consider that some diminution in the expence may advantageously be made in this Department, and that the office of Wharf Master may be dispensed with.

7th. Port Office. Earl Bathurst has already communicated his commands relative to this subject in a Despatch dated October 6th, 1825, in which his Lordship notifies his intention to appoint a Naval Officer to be Deputy Port Captain, and who is to receive an annual salary of £300 out of the emoluments of Captain of the Port. And he further directs that I should suggest for his Lordship's consideration some arrangement by which Mr. Blair shall be indemnified for the reduction which will thus be made from his salary.

8th. Registry of Slaves. A reduction of one clerk in the office of Registry of Slaves has been made within the last few months, and any further reduction that can be effected without detriment to the Public Interests will of course be beneficial.

9th. Wine Taster. It appearing that this office has not had the beneficial effect that was expected from it when Lord Howden established it, it might be considered expedient to abolish it, and with it the tax levied by it. But it will be necessary to bear in mind that the abolition of it will cause a diminution of revenue of upwards of 9,000 Rixdollars per annum.

10th. Vendue Department. The mode suggested by you of substituting licensed Auctioneers in lieu of Government Officers in the Vendue Department would certainly take away much trouble and a heavy responsibility from Government; but I doubt much whether the merchants and the colonists, particularly the latter, would place the same degree of faith or credit in the licensed auctioneers, and I consider the Revenue derived from this Department of too great importance to risk a change of system which might tend materially to diminish the profits accruing to Government. The principal Department might no doubt be much reduced, and by an increase in the number of Vendue Masters or Clerks, and by a gradual reduction of the

credit now given, with strict attention to the securities taken for the conduct of the Vendue Masters, the Government would be relieved from much of the responsibility it is now subjected to.

11th. Banks. On the establishment of Private Banks in the Colony, more particularly if they allow a small interest on deposits, the business of the Government Discount Bank will probably fall of itself, by the withdrawal of the Capital which keeps it up. The Lombard Bank must still remain to recover the Interest and Principal of the old loans, and if it be intended that this Bank should continue to lend money on loan, I would recommend that one branch of its establishment be set aside for the sole object of recovering the principal and interest of the old loans ; and that a separate branch should be entrusted with the charge of making loans in future under the most strict and positive regulations as to their duties. If it be proposed that this Bank should lend out money in small sums on pledges of moveable property, it will necessitate a separate establishment for this branch and a distinct and separate building. These banks have been found extremely useful in the south of Europe, in places where the population is very extensive and very poor. I should doubt much whether such an Establishment in this Colony where the lower classes consist principally in slaves and apprentices could have any good effect, and I fear it would never compensate for the expence of its establishment, which although of a secondary consideration in such an Institution, is still in the present state of the finances an object worthy of notice. In regard to that part of your letter on the subject of the Banks which states that you could not recommend the transfer of mortgages and securities in the possession of the Lombard Bank to any of the private Banks, I beg leave to assure you that such a measure was never contemplated by me, and certainly ought never to be adopted.

12th. Stamp Office. In regard to the office of Commissioner of Stamps I do not think that the responsibility which now devolves upon the commissioned members of the Court of Justice of preparing the stamps for issue should be lodged in the Commissioner of Stamps. I would rather recommend that the Auditor, Treasurer, and Assistant Secretary to Government, or Clerk to the Council, or any two of them, should form a committee in conjunction with the Commissioner of Stamps,

to superintend the duties now attached to the members of the Court of Justice. With regard to the office of Commissioner of Stamps, it occurs to me that should a separate Treasury be formed for the Lieutenant Governor's District, it will be entitled to receive the benefit of the Stamps issued within its jurisdiction, and therefore that the emoluments at present received by the Commissioner should be divided, one half to be given to the Commissioner in Cape Town and the other moiety to the Commissioner of the Lieutenant Governor's District ; and I conceive that that office in Cape Town might be made over to Mr. Blair as a remuneration for his loss of the Port Office, in which latter office all the salary now paid (above £300 per annum) may then be saved to the Public. It occurs to me that the Revenue of this Department might be increased by a stamp on all Receipts, Promissory Notes, Bills of Exchange &c., above £5.

13th. Slave Lodge and Government Slaves. In regard to the proposed arrangement for the reduction of the establishment of the slave lodge and the future disposition of the Government slaves, I am not aware of any objection thereto. The necessity of supporting very many of them who are totally unequal to provide for themselves, and also of feeding, clothing, and instructing the children must continue to be thrown on the Public, and that expence having hitherto been borne out of the Extraordinaries of the army, I should trust that it will not now be imposed upon the Colonial resources which are so totally unequal to sustain it.

14th. Constantia Wine. An arrangement for the future supply of Constantia Wine to the effect now proposed by you was submitted privately to Earl Bathurst and approved of by Him as per annexed extract of Mr. May's letter to Sir Richard Plasket, and a proposition has been made to the proprietors and will be submitted to you.

15th. District Chests. There can be no doubt that the establishment of one general Chest would be attended with great convenience in Accounts, and it has occurred to me that if the Landdrosts were subjected to the same restrictions in the expenditure of public money to which all other Heads of Departments are, viz. that no item of expence should be allowed without the previous written authority of Government,

much of the district expences would be curtailed. I would recommend that an Account Current should be kept by the Treasurer or Auditor of the annual Receipt and Expenditure of each District, in order to regulate the extra expence to be authorized for local improvements or the extra Taxes to be levied for local purposes.

16th. Interest on the 500,000 Rixdollar Loan. With regard to the arrangement you suggest of relieving the Districts from the interest on the loan from the 500,000 Rixdollar fund and of crediting them for that part of it already paid up, I perfectly agree with you in the wisdom and policy of the measure, under the distressed circumstances of the Inhabitants, arising from repeated calamitous visitations.

17th. Albany Taxes. In respect to the levying of the usual Taxes on the British Settlers, this measure has been already arranged, as you are aware of, by a late order of His Majesty's Government.

18th. Uitenhage Commando Tax. I do not see any reason for exempting the District of Uitenhage from the Commando Tax, provided the levying of that Tax be remitted for those years in which the Inhabitants may be called upon in person to defend the Frontier.

19th. Cape Town Taxes. I really am of opinion that an alteration in the constitution of the Burgher Senate should precede any change in the mode of conducting the business of that Department.

20th. Messrs. Brink and Zastron. I shall have great pleasure in attending to your recommendation in favour of Messrs. Brink and Zastron, but I cannot but observe that there are many other servants of Government whose situation is equally worthy of attention.

21st. Remission of Duty on Wine Staves, Iron Hoops, and Agricultural Implements. With regard to the policy of remitting the duties on Wine Staves, Iron Hoops, and Agricultural Implements, there can be no doubt that if the Revenues of the Colony admitted of so liberal a course, it would tend to beneficial results, but I fear that unless the Government at Home would consent to an increase of Duty on Imports, the present state of the Finance would not admit of any remissions tending to diminish the annual receipts.

22nd. Slaves. If a tax on Slaves be carried into effect it will be necessary to newmodel the clause in the proposed Order in Council for the amelioration of Slaves whereby Christian slaves are to be exempt from all Taxes imposed specifically upon Slaves, otherwise nominal Christians will prevail through the Colony and little or no Revenue will be obtained. This Tax will certainly apply well to the great Proprietors of Slaves, as with them it will be a fair Property Tax ; but it occurs to me that it will fall heavily upon those Colonists who have only one or two Slaves to enable them to keep up their farms. If therefore it should be decided to be adopted, I conceive that no Tax should be levied unless a person possesses two slaves. In regard to the relief you propose to grant to the Colonists out of the revenues to be derived by the Tax on Slaves from the injurious effects they now sustain by the pressure of direct taxes on their capitals and stock, I fear I do not sufficiently comprehend the object you have in view, and I shall be happy to receive further explanation upon this subject.

23rd. Tax on Carriages and Waggons. Your proposal of levying a Tax on Carriages and Pleasure Waggons I consider a very eligible one.

24th. Exemption of Government Servants from Taxation. In regard to the non-exemption of Official Persons from Taxes I entirely agree with you in the principles which I should recommend to take effect, whenever the salaries of the public functionaries are fixed. And while upon this subject I would strongly urge the propriety of making all official persons amenable to the laws of the Colony in case of debt, in the same manner as the rest of His Majesty's subjects. I would also recommend that all fees of office whatsoever now taken for the benefit of Individuals (exclusive of the Medical Department) should be directed to be carried at once to the credit of Government, and subsequently paid over to the Individuals entitled to them, until the arrangement for fixing the Salaries be finally settled. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, 25 February 1826.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 22nd Instant and in reply to transmit to you herewith a Copy of the letter addressed to me by the late Colonial Medical Inspector (Dr. Barry) on the 13th October 1825 upon the subject of the proposed alteration in the constitution of the Colonial Medical Department. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from SIR RICHARD PLASKET to T. P. COURTENAY, ESQRE.

COLONIAL OFFICE,

CAPE OF GOOD HOPE, 25th February 1826.

SIR,—With reference to the letter which I had the honor to address to you on the 20th July 1825 transmitting a copy of one from His Excellency the Governor to Earl Bathurst requesting a supply of new Dies for Stamps, I beg leave to acquaint you that it has been represented to Government that in addition to the Dies included in the List which accompanied that Letter, we shall require Dies for Stamps of the following value, viz. Four Pence, Five Pence, Eight Pence, Ten Pence, Six Shillings, Eight Shillings, Eleven Shillings, Twelve Shillings, Fourteen Shillings, Eighteen Shillings, Six Pounds, and Eight Pounds ; and I have to request that in case of Earl Bathurst's approval these additional Dies should be prepared and forwarded with the least possible delay. I have &c.

(Signed) RICHARD PLASKET.

[Copy.]

Letter from MAJOR HOLLOWAY to MAJOR-GENERAL BOURKE.

ROYAL ENGINEER OFFICE, 25th February 1826.

SIR,—Agreeably to your directions, I have the honor to transmit to you herewith a Return shewing the extent to which this Colony has been surveyed, and the expence that has been incurred in prosecution of the Service.

Taking the whole content of the Settlement to be 100,000 square miles, to which it may reasonably be supposed to amount, it follows from the written Statement that there remains about 65,052 square miles or $\frac{2}{3}$ of the Colony of which there is either no Survey at all or none that can be depended upon for accuracy.

It will further however be seen that the amount of the Expenditure actually incurred is only £1109 4 8 Sterling and that for this sum there have been 34,948 square miles surveyed and described, also 4,626 square miles reduced and compiled into a General Plan together with a proportion of nearly 6000 square miles in an unfinished state, likewise the Drawings of some distinct parts on large scales which cannot be readily brought into the accounts. I have &c.

(Signed) W. C. HOLLOWAY,
Major Comg. Royal Engineers.

[Enclosure in the above.]

ROYAL ENGINEER OFFICE,
CAPE TOWN, 24 February 1826.

Statement showing the annual progress made in the General Survey of the Colony by the Royal Engineer Department, together with an Account of the Expenditure defrayed by the Commissariat Department in prosecution of the Service.

Year.	Number of Square Miles surveyed and sketched to a Scale of 2 Miles to 1 Inch.	Number of Square Miles reduced and drawn to a Scale of 4 Miles to 1 Inch.	Amount of the Expenditure actually incurred.	
			By Officers who sketched the country.	By the Draftsman for reducing and compiling the Sketches.
1820	4,436		£ s. d. 26 0 8	£ s. d.
1821	5,550		208 12 6	
" 1822	4,106	2,000	134 4 0	3 6 8
" 1823	10,888	1,600	399 4 11½	2 13 4
" 1824	8,968	1,026	259 2 10½	1 14 2½
"		5,750 half finished		4 6 4
" 1825	1,000	Separate plans &c.	33 6 8	36 12 5½
			1,060 11 8	48 13 0
Total	34,948	{4626 finished 5750 half finished}	£1,109 4s. 8d.	

REMARKS.

The Allowances granted to the Officers and others employed on this Service have been : 1st. For the Individuals comprising Subaltern Officers of Engineers, Officers of the Line and on Half Pay, and Surveyors already on the pay of Government who have sketched the Country, Eight Pence per Square Mile. 2nd. For the Draftsman of the Engineer Department who reduced the Sketches and compiled them into one General Plan One Shilling for every Thirty Square Miles drawing. The Commanding Engineer has not claimed nor has he received any allowances for superintending the execution of the service.

(Signed) W. C. E. HOLLOWAY.
Major Comg. Royal Engineers.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 27th February 1826.

MY LORD,—I have the honor to transmit to Your Lordship the General Monthly Return of the Forces serving under my command to the 25th February 1826. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 27 February 1826.

MY LORD,—I have had the Honor to receive Your Lordship's Despatch No. 183, of the 20th August last, in reply to that which I did myself the Honor to address to Your Lordship under date 31st March 1825, reporting my Visit to the district of Albany. I regret much that Your Lordship does not feel yourself authorized to sanction the proposed arrangement for an additional supply of Laborers for that district, or for transporting to this Colony the Wives and Families of the Emigrant Settlers resident here.

I have transmitted to the Landdrost of Albany the suggestion contained in Your Lordship's despatch on this latter subject; and I shall not fail to forward the result to Your Lordship at the earliest moment.

It is with unfeigned concern that I perceive Your Lordship is displeased with the public undertakings I felt myself called upon to establish during my Visit to the Frontier. I lament this the more, as I can with truth assert that during upwards of thirty years that I have had the Honor to serve the King, I have never performed a Service which, from my own observation at the time, as well as the Results which have arisen therefrom, I consider to have so efficiently and usefully effected.

With regard to authorizing any expenditure without waiting for the previous sanction of Your Lordship, I beg to assure

Your Lordship that I was led to take such responsibility on myself solely and entirely by a sense of Duty towards those whose Prosperity in this Country has occupied so large a portion of Your Lordship's attention. The succession of visitations of blight and Tempest, which the Settlers had experienced since their arrival in this Colony six years ago, rendered their Situation an exception almost to any general Rule, and entitled them to every rational Aid. And where I was convinced that the establishment they so earnestly solicited was not only rational, but positively and *immediately* necessary, for promoting their Interests, I considered that I should incur Your Lordship's severest displeasure, had I withheld such moderate Aid, for purposes evidently so propitious to their well being. I am free to acknowledge that other Items of Expenditure in this Government have been neglected to be reported at the moment it became imperative to authorize them, but if Your Lordship could form any adequate conception of the situation in which I have been placed since the commencement of the dissensions between Col. Bird and myself, and the Load of laborious, weighty, and unavoidable Duties which have been unceasingly thrown upon me, Civil, Judicial, and Military, during a period of unexampled Turbulence excited by a few evil minded Persons, Your Lordship would not marvel that I had it not in my power to attend to the Details of Office, and I trust that You will therefore consider these omissions with Indulgence, which since discovering them have given me so much uneasiness of mind.

Your Lordship will have perceived by the Address presented to me by all the principal and respectable Settlers in Albany, at the Kowie Mouth on the 18th February 1824 (copy of which, marked No. 3, was attached to my Despatch of the 31st March last), that the Inhabitants acknowledged in the strongest Terms the Benefits that had then arisen from the aid afforded in the establishment of a Port, at the same time they prayed for and pointed out the necessity of a Police there and at Bathurst, and they also suggested means for materially improving the Port. I lament that it appears to have escaped Your Lordship's observation that I did not (wantonly) authorize *all* that was asked, but merely that which I conceived most or indeed indispensably necessary to the well doing of that Community,

and that at Algoa Bay where the English Population has so largely encreased, and where a Magistracy was also so necessary, I placed it in the Hands of the Commandant, who received no additional Salary on that account.

In my Despatch I had the Honor to explain my Reasons for considering that the Establishment of a Magistrate at Bathurst might, for the present, be dispensed with, but Your Lordship will perceive that I was not unmindful of the Interests of the Settlers in the vicinity of that spot, as I had established a Grammar School in the Building that had been originally intended for the Magistrate's Residence.

The whole Establishment made at the Kowie amounted to £157 10s. Sterling per annum, and the Houses which it was indispensably necessary to erect for the Magistrate, the Custom House Officer, and the Harbour Master cost only £558 Sterling in this dearest of all Countries for building, a proof I trust that the strictest economy was exercised. The whole arrangements which I had the Honor to submit to Your Lordship for Your sanction and approbation (notwithstanding the creation of a new Seat of Magistracy, and all its Officers) comprehended an annual saving of £660 6s. Sterling, whilst the entire Expenditure incurred in rendering the Buildings at Somerset available for the purposes required for the Seat of Magistracy, has not exceeded £90 10s. 8½d., not One Shilling of which has been required from the Treasury, but has been wholly defrayed by the District.

I have the Honor to enclose to Your Lordship copies of two Letters, one official and the other private, from the Landdrost of Somerset, which I trust will prove to Your Lordship that I have been successful in impressing upon that Officer the necessity of using the utmost economy in every branch of the Establishment.

With regard to the excess of the Buildings at Worcester to which Your Lordship alluded, I have the honor to annex copy of a Correspondence with the Magistrate of that Place on the subject, which I trust will evince to Your Lordship that the expenditure was not incautiously authorized nor without a regular Estimate. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

SOMERSET, 7th February 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 23rd Ultimo, and in compliance with your desire beg leave to enclose a Statement of the expences incurred in converting some outhouses of the late Somerset Farm into public buildings, amounting in all to Ninety-three pounds Ten shillings and Eight pence farthing Sterling. I have the honor to refer you to my letter of the 13th August last, from which it will appear that a Schoolhouse has been fitted up out of the fund in the hands of the School Commission, and that the expences are not chargeable either to Government or to the District, the said fund arising from voluntary contributions of the Inhabitants of the District at the annual Opgaaf, and placed at the disposal of the Commission to be appropriated in defraying the contingent expences of the School. This House is now used as a Church, and may be so used with convenience for some time to come.

Statement of Expences incurred by the District Treasury of Somerset in converting buildings of the late Somerset Farm into a Public Prison and Public Offices :—

To John Cross, Carpenter, as per Voucher in District			
Account	£38	3	3 $\frac{3}{4}$
„ Edward Guest, Mason, as per Voucher in District			
Account	32	11	9
„ Thomas Bruton, Smith, as per Voucher in District			
Account	21	5	7 $\frac{1}{2}$
„ Additional glass provided	1	10	0
	£93	10	8 $\frac{1}{4}$

I have &c.

(Signed) W. M. Mackay, Landdrost.

To the Secretary to Government.

[Enclosure 2 in the above.]

SOMERSET, 7th February 1826.

MY LORD,—I am at this moment honored with the receipt of Your Lordship's letter of the 27th Ultimo, but (in consequence of flooded river having detained the Post) I regret not until after the regular mail had been dispatched for Cape Town.

I transmit, however, by the return post to Graaff Reinets the document required by Sir Richard Plasket, and with the view to security will send a duplicate by the next weekly Mail.

The expence incurred in fitting up the store house and waggon house of the late Somerset Farm into a public prison and offices is defrayed by the District, and has long since been paid out of its Treasury. The prison is substantial and very secure, and the offices are sufficiently commodious. The whole amount is £93 10s. 8¼d. Sterling, not one farthing of which or of any other expence of this description is chargeable to Government.

I beg to refer Your Lordship to my official letter of the 13th of August last to Sir Richard Plasket relative to the school, by which it will appear that the school house is used as a Church, is spacious, commodious, and in excellent order, and may with much advantage and convenience be appropriated for some time to both purposes. The expence of fitting up the school house has been defrayed out of the fund mentioned in my said letter, and which I believe is at the disposal and under the controul of the school commission. Thus the whole of the expences incurred by the District Treasury for buildings is Ninety-three pounds Ten shillings and Eight pence one farthing Sterling, and by Government none at all.

The waggon house being well built and very extensive enabled us to convert a part of it into a school house. Thus the tan house remains as it was.

I am most happy to have it in my power to state to Your Lordship that the District Treasury can meet all expences of this description and of any other with which it is chargeable that can possibly be necessarily incurred within its limits, and nothing shall be ever proposed to Government for its sanction which can create an expence which the District cannot defray

without being incumbered with debt in the slightest degree. In speaking of the funds of the District, I allude to only the amount of Taxes which by Law is annually put into its Treasury.

Besides this, there is a yearly rent for buildings at Cradock, mill at Somerset, &c., of nearly Eighteen Hundred Rixdollars, and Three Thousand Rixdollars interest on a secured capital of Fifty-one Thousand Rixdollars arising from the sale of the Erven already sold in this village. Thus it appears that the annual income actually produced by the recent change (and arising from secured property) nearly trebles the whole amount of expenditure in altering the buildings. I have &c.

(Signed) W. M. MACKAY, Landdrost.

His Excellency Lord C. H. Somerset.

[Enclosure 3 in the above.]

WORCESTER, 11th of October 1822.

SIR,—Although we have it not in our power to present to you for His Excellency the Governor's information a true statement of all the expenses which will be absolutely required for the new establishment at Worcester, yet we are happy in being able to transmit herewith a Statement of the funds which we calculate may be raised in the District in order to meet that expense.

At the same time, having considered that the Inhabitants of this District should on the present occasion step forward towards defraying these expenses, we humbly propose that His Excellency the Governor may be pleased to authorize our levying at the ensuing opgaaf upon the Inhabitants of this District a tax of two Rixdollars for every male and one Rix-dollar for every female Slave above 14 years of age, as also four skillings for every male or female slave under that age, and that this tax may be continued for three successive years.

Should this our proposal meet His Excellency's approbation, we have every reason to believe that with the Revenue arising therefrom together with the revenue we have already taken the liberty of exhibiting in the enclosed Estimate, added to the aid

we may flatter ourselves we may safely hope for from Government, we shall be enabled fairly to meet all the expenses above alluded to. We have &c.

(Signed) C. TRAPPES, Landdrost.

By order of the Landdrost and Heemraden.

(Signed) D. KUYS, Secretary.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 4 in the above.]

COLONIAL OFFICE, 19th November 1822.

GENTLEMEN,—I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 11th of last month, enclosing a statement of the sums which you calculate the District of Tulbagh will have it in its power to advance towards the erection of the Buildings necessary for the Public Departments and Service at the new Seat of Magistracy of your district, amounting to 297,952 Guilders, and I am directed to acquaint you that as His Excellency sees the absolute necessity of completing the usual buildings of a Drostdy without delay, and as His Excellency has in consequence approved the elevation and distribution of the Magistrate's house, the estimate of which amounts, according to the calculation of the Inspector of Buildings, to Rds. 68,000, His Excellency will assent to your being supplied with the sum of Rds. 100,000, to be taken from the fund created for the purpose of rebuilding such Public and Private edifices as have suffered by the storms of the last winter. This sum of Rds. 100,000 will be therefore a loan to the District from the aforesaid fund, and the sums which the District will receive from the sources calculated in its Estimate must, as they shall be so received by the District, be paid into the aforesaid fund in reimbursement of the present advance, which advance is not on any account to be appropriated to any other purpose than that of the aforesaid buildings.

It remains to add that His Excellency will give the necessary authority for raising the assessment required, and that great

care should be taken not to bring the landed property too rapidly to market. I have &c.

(Signed) C. BIRD.

The Landdrost and Heemraden of Worcester.

[Enclosure 5 in the above.]

LANDDROST'S OFFICE, WORCESTER, 13th January 1823.

SIR,—As it is quite impossible for me to pay the necessary attention to the Public Buildings about to be erected here, which is requisite for the conducting and overseeing the due execution of such a work, and as the education of Mr. Samuel Hemming has in my opinion fully qualified him for such an undertaking, I have consulted with him upon the subject, and he has expressed his willingness to meet my views in superintending the whole of the work in all its branches, and as his whole attention will be required I hope it will appear reasonable to His Excellency that he should be allowed about the same remuneration as he is entitled to for attending Commissions on Survey, &c., viz. Rds. 6 per diem.

Should this measure meet with the approbation of His Excellency, may I beg that Mr. Jones may be directed to send me his detailed Estimate of Expense to enable the conductor to proceed upon his plan, and by that means to keep the expenses as much as possible within limits. I have &c.

(Signed) C. TRAPPES.

Lieutenant-Colonel Bird, Colonial Secretary.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 28 January 1823

SIR,—I have received and laid before His Excellency the Governor your letter of the 13th instant, in which you suggest that as it is impossible for you to pay the requisite attention to the Public Buildings about to be erected at Worcester, Mr. Hemming should be allowed to superintend them at the remuneration of Rds. 6 per diem, and in reply I am directed to

acquaint you that His Excellency has no objection to Mr. Hemming's superintending the Buildings at Worcester if you know him to be capable of it. But His Excellency cannot give him a greater allowance than a Subaltern's working pay, viz. 4 shillings sterling per diem. I have &c.

(Signed) C. BIRD.

C. Trappes, Esqre., Landdrost of Worcester.

[Enclosure 7 in the above.]

CAPE TOWN, 18 February 1823.

SIR,—I have had the honor to receive your letter of the 28th January conveying the approval of His Excellency the Governor to Mr. Hemming superintending the erection of the Public Buildings at Worcester, but that His Excellency could not give him a greater allowance than a Subaltern's working pay, viz. four shillings per diem. Under the impression that His Excellency may have considered Mr. Hemming capable of attending to the duties of his situation whilst the building is going on, may I be allowed again to beg you to solicit His Excellency's attention to this case, and that you will represent that it is quite impossible for Mr. Hemming to give his attention to any other duties whilst the building is going on, and that so small a remuneration would not by any means be equal to what he would gain by the prosecution of his functions as Land Surveyor. I have &c.

(Signed) C. TRAPPES.

Lieutenant-Colonel Bird, Colonial Secretary.

[Enclosure 8 in the above.]

CAPE TOWN, 18th February 1823.

SIR,—I have the honor to forward herewith two plans of Buildings for the Public Service at Worcester, one for a prison, the other for a residence for the District Secretary, the expenses of each without the outhouses are estimated at about twelve thousand Rixdollars, and these latter at about two thousand

Rixdollars each, making together a total expenditure of about Thirty-two thousand Rixdollars, which I beg you will have the goodness to lay before His Excellency the Governor.

I have &c.

(Signed) C. TRAPPES.

Lieutenant-Colonel Bird, Colonial Secretary.

[Enclosure 9 in the above.]

COLONIAL OFFICE, 27th February 1823.

SIR,—In reply to your letter of the 18th instant, submitting two plans, one of a prison, and the other of a residence for the District Secretary at Worcester, the expense for the erection of which including outhouses is estimated at about Rds. 32,000, I am directed by His Excellency the Governor to convey to you his approval of the expense and of the plans, which are herewith returned to you with the alterations therein made by Mr. Jones.

I have &c.

(Signed) C. BIRD.

C. Trappes, Esqre., Landdrost of Worcester.

[Enclosure 10 in the above.]

COLONIAL OFFICE, 27th February 1823.

SIR,—In reply to your letter of the 18th instant, in which you represent the impracticability of Mr. Hemming's giving his attention to any other duties while superintending the erection of the buildings at Worcester, and the consequent smallness of the remuneration His Excellency the Governor has been pleased to assign for that purpose, I am directed to acquaint you that His Excellency will allow Mr. Hemming 5 Rds. per diem for working days only. I have &c.

(Signed) C. BIRD.

C. Trappes, Esqre., Landdrost of Worcester.

[Enclosure 11 in the above.]

LANDDROST'S OFFICE, WORCESTER, 2 *December* 1823.

SIR,—Having applied to the Landdrost of George to procure Timber of large dimensions for the Public Buildings at this Drostdy, Mr. Van der Riet informs me that it cannot be procured except within the preserved parts of the forest, may I therefore beg you to represent the Case to His Excellency the Governor and procure leave for Mr. Van der Riet to authorise its being cut within those limits. I have &c.

(Signed) C. TRAPPES.

Lieutenant-Colonel Bird, Colonial Secretary.

[Enclosure 12 in the above.]

LANDDROST'S OFFICE, WORCESTER, 16 *March* 1824.

SIR,—When the Public Buildings that are going on here were first projected, it appeared to be the wish of the Colonial Government that the Inspector of Public Buildings should occasionally inspect them. May I request you to represent to His Excellency the Governor that those Buildings are now in that state of progress to render the Inspector's presence desirable. I have &c.

(Signed) C. TRAPPES.

Lieutenant-Colonel Bird, Colonial Secretary.

[Enclosure 13 in the above.]

COLONIAL OFFICE, 18th *March* 1825.

GENTLEMEN,—With reference to the letter addressed to you from this office on the 19th November 1822 informing you that His Excellency would assent to your being supplied with a loan of Rds. 100,000 to be taken from the Fund created for the purpose of rebuilding such Edifices as had suffered by the storms of that year, which sum should be appropriated towards the erection of the Public Buildings at Worcester, I am directed

by His Excellency the Governor to call upon you for payment of the Interest which has accrued thereon from 15th January 1823. I have &c.

(Signed) P. G. BRINK.

The Landdrost and Heemraden of Worcester.

[Enclosure 14 in the above.]

COLONIAL OFFICE, 31 *March* 1825.

SIR,—With reference to the Colonial Secretary's letter to you under date the 19th November 1822 relative to the erection of a House at Worcester for the residence of the Landdrost according to a Plan submitted by you to Government, I am directed by His Excellency the Governor to desire that you will furnish me, with as little delay as possible, with a Statement of all Sums already expended in the erection of the Drostdy House, together with a memorandum of the work remaining to be done to complete the Building, with the estimated expense thereof.

I have also to desire that you will send me the original Plan of the Building, which will be returned to you when a copy has been taken of it here. I have &c.

(Signed) R. PLASKET,
Secretary to Government.

Captain Trappes, Landdrost of Worcester.

[Enclosure 15 in the above.]

LANDDROST'S OFFICE, WORCESTER, 7th *June* 1825.

SIR,—I have the honor to acknowledge your letter of the 1st Instant enclosing a duplicate of your communication of the 31st of March requiring me to furnish you with a statement of all the sums already expended in the erection of the Drostdy House, together with a memorandum of the work remaining to be done to complete the Building, with the estimated expence thereof, and also the original Plan of the Building, to be returned after a copy has been taken.

I beg you will be so kind as to explain to His Excellency that the letter was received during my absence on leave, and

that on my return I directed the required statement to be prepared and the memorandum made out, but that in consequence of the want of a second Clerk and the press of business at this season (being the time for receiving the opgaaf), the copying of these documents has hitherto been delayed, but I will take care they shall be forwarded by the ensuing Post. I have &c.

(Signed) C. TRAPPES.

The Secretary to Government.

[Enclosure 16 in the above.]

LANDDROST'S OFFICE, WORCESTER, 14th June 1825.

SIR,—I have the honor (in compliance with the directions contained in your letter of the 31st March) to furnish you with a statement of all the sums already expended in the erection of the Drostdy House, together with a Memorandum of the work remaining to be done to complete the Building, with the estimated expense thereof. In forwarding to you these Documents, I beg you will be so kind as to explain to His Excellency the Governor that the Drostdy House comprises in the Basement floor the whole of the Public Offices, viz. a Court Room, Landdrost's, District Secretary's, and District Clerk's offices, and a waiting room, so that there is no further occasion for Buildings for those purposes. I beg you to inform His Excellency that the foundation of the Prison and enclosure is laid, and that there will remain Timber of every description (except Plank) to complete the same after the Drostdy shall have been finished. The accounts also comprise all sums expended on the Prison, and as there have been no separate accounts kept for the material and work done on that head, it is impossible for me to state what sum has already there been expended, but Mr. Hemming told me he believed it amounted to about Twelve Thousand Rixdollars, which together with the spare timber and stones already on the site of the Secretary's house, I suppose may amount to about Twenty Thousand Rixdollars.

The joiner's work that remains to be done is estimated by the foreman to require the sum of three thousand Rixdollars. That for laths and plastering I have not the means to have valued with precision, and to complete the steps with cut stone the mason estimates to require nine hundred Rixdollars. I

have also enclosed a memorandum of Stores that the Joiner will require from the Cape, the value of which I am not able to ascertain. Besides the sums brought up in the account to the end of March, there have been expended Nine Thousand Rixdollars, which will be brought to account at the end of the present quarter, leaving a supposed balance of One Thousand Rixdollars on the One Hundred Thousand Rixdollars advanced by Government. I have &c.

(Signed) C. TRAPPES.

The Secretary to Government.

The items in the account cover fourteen pages of foolscap, and show an expenditure of Rds. 89,535 and 4 stivers to the 31st March 1825. The memorandum referred to is not to be found. It would be a waste of time to copy the items now.—
G. M. T.

[Enclosure 17 in the above.]

WORCESTER, 27 June 1825.

SIR,—In reply to your letter of the 18th March last, conveying His Excellency the Governor's desire to call upon us for payment of the Interest from 15th January 1823 which has accrued upon a Loan of One Hundred Thousand Rixdollars for the erection of the Public Buildings here, we respectfully request you to explain to His Excellency the distressed state of the District funds, partly from an accumulation of charges made upon them during the last Three Years without any additional call upon the Inhabitants, which we were unwilling to make whilst the District suffered so dreadfully by the Blight in the crops, which has still been severely felt the late season in some parts of the District, so that we are unable to meet the demand until a special provision shall have been made for that purpose, and which has not yet been proposed, as no mention of Interest being required for the Loan is stated in the Government letter of 19th November 1822 referred to. We have &c.

(Signed) C. TRAPPES.

By order of Landdrost and Heemraden.

(Signed) P. POGGENPOEL.

The Secretary to Government.

[Enclosure 18 in the above.]

COLONIAL OFFICE, 7 *July* 1825.

SIR,—I have submitted to His Excellency the Governor your two Letters of the 14th of last month relative to the Drostdy House at Worcester and to the proposed arrangement for accommodating the public officers and the clergyman of the District, and I am directed by His Excellency to inform you that previous to giving any decision on the subject he wishes to know from you whether any communication was made by you to Government or any information given subsequent to your letters of the 11th October 1822 and 18th February 1823 relative to the Expenditure of the Rds. 100,000 placed in your hands for the erection of Public Buildings for the District (and particularly as to the excess of the Estimate authorised by the Government for the Drostdy) or in regard to the disposal of the Funds levied upon the Inhabitants by an extraordinary Tax for the express purpose of redeeming the Loan of Rds. 100,000 granted to the District for the erection of these Buildings.

His Excellency further desires me to signify to you his pleasure that the works which you state to be still necessary for the completion of the Buildings, as detailed in the statements enclosed in your letter, may be postponed, and that no further Expence whatever be incurred beyond what may be necessary to render the House habitable, and of which you will be good enough to forward an Estimate. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

The Landdrost of Worcester.

[Enclosure 19 in the above.]

LANDDROST'S OFFICE, WORCESTER, 19th *July* 1825.

SIR,—I have the honor to acknowledge the receipt of your communication of the 7th instant in reply to my two letters of the 14th ultimo, and directing me (before His Excellency makes any decision thereon) to inform you whether I made any communication to Government or any information given subsequent to my letters of the 11th October 1822 and 18th February 1823 relative to the expenditure of the One Hundred Thousand

Rixdollars placed in my hands for the erection of the Public Buildings, and particularly as to the excess of the Estimate for the Drostdy House, or in regard to the disposal of the Funds levied upon the Inhabitants by an Extraordinary Tax for the purpose of redeeming the Loan of One Hundred Thousand Rixdollars granted to the District for the erection of these Buildings, and signifying to me His Excellency's commands that all further expences may be postponed beyond what may be necessary to render the House habitable.

In reply I beg to refer you to the letters dated 13th January and 18th February 1823 and 16th March 1824. In the first of these letters I applied for the detailed Estimate made by Mr. Jones for the Drostdy House in order to guide the Superintendent in the expenditure, but neither this request nor that contained in my letter of the 16th March 1824 was ever acceded to. I do not recollect having made any other communication to the Government upon the subject, except what I communicated to you when you were at Worcester, and which was also made to the Commissioners of Inquiry.

In regard to the disposal of the Funds levied by a Tax upon the Inhabitants, it is the intention to pay the sums collected in the years 1823 and 1824, amounting to Eight Thousand Eight Hundred and Ten Rixdollars and Four Skillings, when you shall be pleased to direct it to be paid. It was intended to make this communication sooner, but we were suddenly called upon for the repayment of a Loan of Eleven Thousand Guilders, which the District had borrowed from Mr. De Waal when the road was made through the Roodezand's Kloof, and as the demand was peremptory and the money not to be obtained elsewhere, we thought that it was best to defer the payment of the Slave Tax until the opgaaf of this year.

It appears to me that to make the Drostdy House commonly habitable, the four front rooms require the ceiling to be put up, doors hung, and window shutters; the remainder of the house requires the ceiling joists, and might be covered with reeds in the way that is done in some of the Farm Houses in the Colony, the doors made and hung and plastering completed, the kitchen and adjoining room for servants still require flooring in addition and mangers in the Stables. I beg you will have the goodness to explain to His Excellency that it is quite

impossible for me to make a correct estimate of what will be the expense of the above work, but that I suppose it will amount to the sum of Three Thousand Rixdollars or thereabouts. Should His Excellency think proper to leave the above work to my superintendence I will take every care that it shall be executed with every attention to economy.

I have &c.

(Signed) C. TRAPPES.

The Secretary to Government.

[Enclosure 20 in the above.]

COLONIAL OFFICE, 4th August 1825.

SIR,—I have submitted to His Excellency the Governor your letter of the 14th June last relative to the building of the Drostdy house at Worcester, together with the account of the expences incurred therein and a Plan of the Building.

When His Excellency reverts to the original Proposal made by you in the year 1822 for the erection of Public Buildings in the new District then placed under your charge, when he reflects on the Estimates sent in by you of the Funds which you then stated would be forthcoming to meet the expence of such Buildings, and when he now sees the result of those measures which he was alone induced to sanction from the Statements sent in by you upon the occasion and which he naturally conceived might be depended on, he feels that he has been most unwarrantably deceived in his expectations, and that a very heavy responsibility has attached to him in consequence.

In your letter of the 11th October 1822 you calculated the Funds to be forthcoming for defraying the Expence of the proposed Public Buildings in your District as follows :—

District chest for 3 years, 10,000 Rds. per annum	Rds. 30,000
Sale of the Old Drostdy House at Tulbagh	16,666
Sale at Witzenberg	6,666
Proceeds of 98 Erven already sold	25,984
Sale of 55 do. not yet sold, estimated at	20,000

Amounting altogether to a sum of Rds. 99,316, independent of

a new Tax proposed by you to be levied on all the Slaves throughout your District for three years for the specific purpose of these Buildings.

In consequence of this representation His Excellency the Governor was induced by letter from the Colonial Secretary to you, under date the 19th November 1822, to authorize the erection of the necessary Public Buildings for the new Drostdy, and at the same time forwarded to you an Estimate drawn up by the Inspector of Government Works in Cape Town, of the expense of the proposed Drostdy House according to the Plan originally made by you, amounting to Rds. 68,000, and a loan was made to you on this occasion of Rds. 100,000, on the express understanding that the Funds estimated by the Board of Landdrost and Heemraden were to be paid in as received, in reimbursement of the said Loan. So far however from this arrangement having been acted up to, it appears on the one hand, though the Tax on Slaves levied expressly for that purpose has been regularly collected, though part of the proceeds of the Erven sold and of the Interest thereon has become due, that not one single Rixdollar from those sources, nor from the 10,000 Rds. calculated as being forthcoming annually from the District chest, has yet been paid towards the reimbursement of the said Loan, while on the other hand the 100,000 Rds. which were intended to cover the expence of all the Public Buildings, Prison, &c., have been entirely consumed (with the exception of what is stated to be the foundation of a Prison) in the erection of the Drostdy House alone, originally estimated at Rds. 68,000, and that even that House is by no means finished, and this increase of expence over and above the original Estimate has been incurred by you without any communication whatever being made to Government of such increase.

As it will be necessary for His Excellency under the heavy responsibility which will attach to him on this subject to forward a Statement of the whole of the circumstances of this case to Earl Bathurst, he deems it fair that you should have an opportunity of affording every explanation in your power upon the occasion, which His Excellency trusts you will transmit as early as possible.

In the meantime, as the available resources of your District

appear to have been so very much overrated by you, it will be absolutely necessary that the strictest Economy be observed in the expenditure of the District Funds, in order to enable them to defray by instalments the amount of the Loan above mentioned, and as it would be very hard for the Inhabitants to be called upon to pay any further charges on account of the District Officers, I am directed by His Excellency the Governor to desire that the District Secretary be furnished with apartments in the Drostdy House and that the House rent now paid for his accommodation be withheld.

I have further to confirm His Excellency's decision, as contained in my letter to you of the 28th of May last, that the premises now occupied by you shall on your removing to the Drostdy House be given over during the pleasure of Government for the residence of the established Clergyman of the district, the Reverend Mr. Sutherland. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

The Landdrost of Worcester.

P.S. The Plan of the Drostdy House is herewith returned.

[Enclosure 21 in the above.]

LANDDROST'S OFFICE, WORCESTER, 25th October 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 4th of August last conveying to me the sentiments of His Excellency the Governor regarding the expense of the public Buildings here and the disappointment in the Estimate sent in by the Board of Landdrost and Heemraden of Tulbagh in the month of October 1822 not having been realized, as His Excellency had alone been induced to sanction the measures he adopted to defray the expences of the Buildings in hopes that the funds calculated upon in the Prospectus would be forthcoming, and as His Excellency has been pleased to deem it fair that I should have an opportunity of affording every explanation, I beg you will have the goodness to explain to His Excellency that at the time the Prospectus was made out I had only been a short time officiating as Landdrost of the District, and before I had become acquainted with the actual state of the District

Funds, and of course great dependence was placed on the District Secretary, and although he might have overrated some of the resources, still at that time there appeared strong hopes of the greater part being realised. When the late Landdrost resigned his office there appeared to be a Balance in the Treasury of 14,545 Rds. 6 sks. and $2\frac{3}{4}$ sts., and upon which I trusted that the finances were in a flourishing state, but before the end of the year there appeared old debts due to Individuals far exceeding the credit. From that period the extra charges on Schools, the rewards for destroying Vermin, the Judicial department, and indeed every other have increased considerably more than the Revenue, and as the losses by the Storm of 1822 and the continued blight in the corn had reduced the circumstances of most of the Inhabitants of the District, the Board were anxious to get through these extraordinary charges without proposing any additional Taxes at such a period of distress, and might have nearly succeeded without touching the small sum received on account of the Erven of Worcester, had not the sudden demand of a Loan held upon Bond obliged the Board to pay the same, there being no possibility of obtaining the money elsewhere.

The purchase money of the Drostdy and the Landdrost's grazing farm are not yet payable, the former amounting to Thirty-five Thousand One Hundred Guilders and the latter to Twenty Thousand Guilders, the depreciation of landed property having reduced the prices below the Estimate. The Tax upon Slaves is in course of Payment, as directed in your letter of the 14th instant, so that although there has been a general failure of the Estimate the principal one is in the sum calculated upon from the District Treasury, and I trust I have in great measure accounted for that failure.

On recurring to the Expense of the Drostdy House having exceeded the Estimate, I must beg leave to say that I cannot see how I should be made culpable, for when Mr. Hemming was appointed to superintend the Building as approved of by His Excellency I applied at Mr. Hemming's desire through the Colonial Secretary for a detailed estimate, which was never furnished to the superintendent for his guidance in regulating the expenses, and I believe I might justly assert that no detailed Estimate was ever made of the Expense of the Building by Mr.

Jones, but that he made his calculation without it, otherwise it would have been produced at the time I required it, as I have been given to understand he was directed to send it to me, and has since been called upon by the Commissioners of Inquiry, but without effect. Added to these deficiencies, I beg you will draw His Excellency's attention to the difficulties that naturally ensue of obtaining Workmen of sober and industrious habits at a place where everything was to begin, there being neither lodging nor proper convenience for them, and where the necessaries of life were only obtainable at exorbitant prices, and where even materials were only to be had at the highest prices, although contracted for by tenders.

With regard to the foundation of the Prison and the materials left for Building, I am sure their magnitude will not escape the notice of the Inspector of Buildings in his report on the mission for which he has lately been at Worcester.

I have to acknowledge considerable remissness in not having reported to the Government the circumstance of the Drostdy House exceeding the Estimate, but I must request you to assure His Excellency that any intention to deceive him in his expectations has ever been the most distant thought of my mind. I have &c.

(Signed) C. TRAPPES.

The Secretary to Government.

[Enclosure 22 in the above.]

COLONIAL OFFICE, 15 August 1825.

SIR,—In reply to your letter of the 8th Instant requesting permission to proceed to Cape Town for the purpose of affording every explanation in your power relative to the building of the Drostdy House at Worcester, &c., I am directed by His Excellency the Governor to convey to you his approval thereof.

I have &c.

(Signed) RICHD. PLASKET.

The Landdrost of Worcester.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. WILMOT
HORTON, ESQRE.*

CAPE OF GOOD HOPE, 27 *February* 1826.

SIR,—In reference to your letter of the 14th February 1824 I have the honor to transmit to you the Slave Returns therein required for the information of the House of Commons, viz. :

Of the number of Slaves imported under Licences or otherwise since the 1st January 1808, distinguishing each year, and the sex of the Slaves so imported, together with the places from which they were brought.

Of the number of Slaves exported or otherwise since the 1st January 1808, distinguishing each year and the sex of the Slaves exported, and specifying the places for which they were cleared.

Of all manumissions effected by purchase, bequest, or otherwise since the 1st January 1808, distinguishing each year and the sex of the persons manumitted, together with a Statement of the amount of the Fee or fine imposed on each manumission.

Of the number of marriages legally solemnized between Slaves, and also between free Blacks or coloured persons since the 1st January 1808, distinguishing each year.

Lists of the persons committed to Gaols or workhouses as Runaways, but who declared themselves free since 1st January 1808, with an Account of the final disposal of such persons.

Of Slaves escheated to the Crown since the 1st January 1808, distinguishing each year and the males from the females, and stating the manner in which they have been disposed, and if they have been sold the manner and proceeds of their Sale.

Of the population in each year from 1812 inclusive to the latest period to which the same has been made up, with the number of Births and Deaths in each year, distinguishing the white and the free black or coloured from the Slave population, distinguishing also the Sexes and as far as the same can be ascertained the number of those below Ten years of age from the number of those above that age.

Of all Slaves taken and sold under execution for debt in

each year from 1 January 1818 inclusive till the latest period to which such Return can be made. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Return of the number of Slaves imported into the Colony of the Cape of Good Hope under Licences or otherwise, since the 1st of January 1808, distinguishing each year and the Sex of the Slaves so imported, together with the places from which they were brought.

Period.	Num-ber.	Sex.	Whence imported.	Under what authority.	By whom imported.
March 1813	2	Boys	Mauritius	Act of 46 Geo. III. Cap. 52, Clause 13	Mr. Heatlie
July 1814	2	Boys	Do.	Do.	Mr. Allen
Oct. 1816	2	1 Boy, 1 Girl	Do.	Do.	Mr. D'Escury
Oct. 1816	2	Boys	Do.	Do.	Mr. Savage
April 1817	2	Boys	Do.	Do.	Mr. Sutherland
Sept. 1817	2	Boys	Do.	Do.	Mr. Wentzel

[Enclosure 2 in the above.]

No Slaves have been exported from the Cape by Licence or otherwise.

[Enclosure 3 in the above.]

Return of the number of Slaves, both Males and Females, who have been emancipated since the foundation of the Slave Registry Department at the Cape of Good Hope, namely from the 26th April 1816 up to the 6th July 1824.

1816	.	.	.	.	23 Males	21 Females	Total	44
1817	.	.	.	.	51 "	46 "	"	97
1818	.	.	.	.	27 "	38 "	"	65
1819	.	.	.	.	40 "	20 "	"	60
1820	.	.	.	.	6 "	26 "	"	32
1821	.	.	.	.	8 "	19 "	"	27
1822	.	.	.	.	16 "	17 "	"	33
1823	.	.	.	.	18 "	30 "	"	48
1824	.	.	.	.	11 "	13 "	"	24
					200 "	230 "	"	430

(Signed) G. J. ROGERS, Inspector.

[Enclosure 4 in the above.]

Statement of the Expences incurred in manumitting a Slave at the Cape of Good Hope.

The usual Expense attending the emancipation of a Slave is as follows, namely :

The Memorial to Government and the Reply thereto ; Fifty Rixdollars to the Church funds ; Five Rixdollars fee of this office ; and the Deed of Manumission drawn out on a Stamp of Five Rixdollars ; in addition to which Two Persons must bind themselves as Sureties that the Slave so manumitted shall not become burthensome to the Church during the period of Twenty Years ; if the Slave however have been baptized the Payment to the Church funds is not exacted, nor is Security required ; and latterly also in the case of Heathens it has been customary for His Excellency the Governor to dispense with the payment to the Church upon Security being given that the Slave made free should not become a burthen to the Church Funds during his or her lifetime.

(Signed) G. J. ROGERS, Inspector.

[Enclosure 5 in the above.]

Return of the number of Marriages legally solemnized at the Cape of Good Hope between Slaves and also between free Blacks or coloured Persons since the 1st January 1808, distinguishing each year.

Year.	Hottentots.	Hottentots with white Persons.	Free Blacks.	Free Blacks with white Persons.	Prize Negroes.	Slaves.
1808			3	8		2
1809			4	5		
1810			6	8		
1811	2		3	4		1
1812	2		11	6		3
1813	2		12	8		2
1814	2		10	10		2
1815	3		8	4		1
1816	10		8	6		1
1817	4	1	15	18		3
1818	5		12	13		3
1819	1		3	11	1	1
1820	5	1	7	7	1	1

[Enclosure 6 in the above.]

A List of all Persons committed to the Gaol at Clanwilliam as Runaways, but who declared themselves to be free, since 1st September 1820, with an Account of the final disposal of such Persons.

Seventy-eight names are given in this list, of whom 44 are returned as having been released, 18 as having been forwarded to other districts, 5 as having escaped from prison, 7 as having been contracted to masters, 2 as being still in prison, one as having been sent on board a man of war, and one as having been furnished with a pass by the colonial office. (It seems useless to copy the names, date, and particulars.—G. M. T.)

No Prison Books are to be found in this Office prior to the year 1820, for which reason no returns of an earlier date can possibly be given.

(Signed) W. VAN RYNEVELD, Deputy Landdrost.

CLANWILLIAM, 20th October 1825.

[Enclosure 7 in the above.]

LANDDROST'S OFFICE,
STELLENBOSCH, November 9th 1825.

SIR,—I have the honor to acknowledge the receipt of your Circular of the 13th ultimo, with the enclosed Copy of a Government Letter, requiring a List of all Persons committed to gaols or Workhouses as Runaways, but who declared themselves to be free, since 1st January 1808, with an account of the final disposal of such Persons.

In reply to which I beg leave to state for the information of the Worshipful the Court of Justice that according to the Records of this District, as far as I have been able to trace out, to the best of my knowledge, it appears that since 1808 there has only been one person committed to the Prison here in the year 1813 as a Runaway, named Maturin, Slave of Francois de Lettre, residing in Cape Town, who declared he was brought in this Colony from Mozambique, where he was born, with the ship *La Lilie*, and sold to the said De Lettre as a Slave by

Captain Durochie, and which Slave was forwarded to Cape Town by order of His Majesty's Fiscal. I have &c.

(Signed) D. J. VAN RYNEVELD, Landdrost.

D. F. Berrange, Esqre., LL.D.,
Secretary to the Worshipful
the Court of Justice.

[Enclosure 8 in the above.]

SWELLENDAM, 10th December 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 13th October last, stating the desire of the Worshipful Court of Justice to be furnished with a Return of all Persons committed to Gaols or Workhouses as Runaways, but who declared themselves to be free, since 1st January 1808, with an account of the final disposal of such persons. And I have the honor to state that from the period mentioned until the present time only one such person has been committed to the Prison here, being a Slave named Jason (belonging to Jonathan Willem Groenewald, an Inhabitant of this District) who stated himself to be free, and whose case is now pending before the Court of Justice.

He was forwarded to this Drostdy as a Runaway in April 1824, complaining of his Master, by His Majesty's Fiscal, and was then placed in Civil Custody of the Under Sheriff until his case should be decided. I have &c.

(Signed) HARRY RIVERS, Landdrost.

D. F. Berrange, Esqre., LL.D.,
Secretary to the Worshipful Court of Justice.

[Enclosure 9 in the above.]

GRAAFF REINET, 2nd November 1825.

SIR,—In reply to your letter of the 13th ultimo calling for a list of all persons committed to gaols or workhouses as Runaways, but who declared themselves to be free, since the 1st January 1808, with an account of the final disposal of such persons, I beg leave to acquaint you that no such person

appears to have been brought to the prison here except the female Rozet, committed on the 18th September last, stating herself to be a Hottentot, but on being recognised immediately acknowledged herself to be a Slave of Gert Badenhorst, who released her on the 30th of the same month. I have &c.

(Signed) A. STOCKENSTROM, Landdrost.

D. F. Berrange, Esqre., LL.D.,
Secretary to the Court of Justice.

[Enclosure 10 in the above.]

No Slaves have become the property of the Crown by escheat. The Estates of Individuals dying without issue in the Colony have invariably been administered by the Orphan Chamber for the benefit of the unknown or foreign Heirs.

[Enclosure 11 in the above.]

Population returns. (Given elsewhere.)

[Enclosure 12 in the above.]

Return of Births and Deaths from 1812 to 1820.

The following remark will show that it would be useless to copy these returns.—G. M. T.

In Capetown during the year 1812 and following years the practice had not been introduced of keeping registers of the births and deaths among the black Population excepting the births of the Slaves, who commenced to be enregistered in the year 1813. Nor would it appear that accurate registers were kept of the free Blacks and Negro Apprentices.

[Enclosure 13 in the above.]

Return of Slaves sold by the Sequestrator's Department from the 1st of January 1818 to the 25th December 1824.

These bulky lists contain the dates, names, and all particulars of the sale of eight hundred and forty-one slaves, transcribed from the books kept in the sequestrator's office. It could be of no service to give it here.—G. M. T.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 27th February 1826.

SIR,—Having laid before Earl Bathurst your letter of the 20th instant, I am directed by his Lordship to refer you to my former communications as well as to the conversation which I have held with you upon the subject which you have brought under his Lordship's consideration. It has been distinctly stated to you that it would be impossible for His Majesty's Government to take any steps whatever for the conveyance to the Cape of the relations of the Settlers without a distinct assurance from you, together with a sufficient Security, that at least one half of the expense to be incurred for this service will be defrayed by the Settlers themselves.

Instead of enquiring what Security would be required by His Majesty's Government for the repayment of a proportion of this expense, you should have been prepared to offer such Security in some convenient shape; and instead of coming over to this Country upon an undertaking of this description, unprovided with any of the requisites which are indispensable to ensure its success, you should have ascertained beforehand the amount which each Settler is disposed to contribute, or have come prepared to offer Security for payment either in your own person or through the medium of others.

In regard to the question of claim which you consider those Settlers to possess who did not originally take out their Wives and Children, it is sufficient to observe that as a specific sum was voted by Parliament for the conveyance of such Settlers as should receive the permission of His Majesty's Government to proceed to the Colony, the number of the whole body was necessarily limited. The limitation was effected by calling upon every Settler, before he was accepted, to give in a return of his family; and upon a view of that return he was accepted or rejected. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 27th February 1826.

SIR,—I was prevented by business from receiving you this morning when you called in Downing Street, and in order to save you the trouble of repeating your visit, I have to request that any communication which you may be desirous of making to me may be made in writing. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. MATHEW GRAVE.

DOWNING STREET, 27th February 1826.

SIR,—With reference to your letter of the 17th instant which you addressed to Earl Bathurst requesting to be allowed a passage for yourself and family to the Cape of Good Hope, I am directed to acquaint you that it is not in his Lordship's power to comply with your request. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. CONRAD MEYER.

DOWNING STREET, 27th February 1826.

SIR,—I have received the directions of Earl Bathurst to acknowledge the receipt of your letter of the 20th instant and to acquaint you in reply that his Lordship does not consider it advisable to accept your proposal. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from SIR JOHN TRUTER *to the* COMMISSIONERS OF INQUIRY.

CAMP GROUND, *February 27th 1826.*

GENTLEMEN,—I have the Honor to return the Interrogatories which I have had the honor to receive with your note of the 22nd Inst., together with my answers to the same, which answers, as far as they depend on memory, I have had some difficulty to call to recollection, which however I have endeavoured to do as near as possible. I have &c.

(Signed) , J. A. TRUTER.

[Original.]

Interrogatories proposed by the COMMISSIONERS OF INQUIRY *to*
SIR JOHN TRUTER.

1. Do you recollect whether any other papers were laid before the Council than those which related to the refusal of the late Colonial Medical Inspector Dr. Barry to examine Mr. Carolus Liesching as to his qualifications to practice the Arts of Apothecary, Chemist and Druggist, and those that contained the Reports and Correspondence of Dr. Barry with His Excellency the Governor and the Secretary to Government relative to the treatment of the Prisoners in the Tronk ?

Reply. The only Papers that were laid before Council contained, in my belief, the whole of the Correspondence that passed in the cases of Carolus Liesching and Aaron Smith. These papers were numbered in the former case from No. 1 to 17, and in the latter from No. 1 to 14.

2. Did His Excellency the Governor explain to the Council the precise nature of the question upon which he solicited their advice, or did he refer to the papers mentioned in the preceding query as comprehending the general grounds upon which the Members of the Council were desired to form their opinions ?

Reply. I have no recollection of an explanation of the nature stated in this query ; but I do recollect that His Excellency the Governor called the attention of the Council to the contents of the papers referred to in the preceding query and answer, which papers were then ordered to be laid on the Table for the perusal of the Members until next meeting.

3. Did the Secretary to Government explain, or was he requested to explain to the Council the embarrassment that the official communications of Dr. Barry and his reflections upon different Officers of the Government had occasioned to it, and to which reference was made by His Excellency the Governor in a letter addressed by him to Dr. Barry dated 14th October 1825, and which was laid before the Council ?

Reply. I have not the slightest recollection that the Secretary to Government was requested to make, or made of his own accord any particular explanation on that occasion ; I am rather inclined to think that nothing of this kind took place.

4. Did you peruse the letter from Dr. Barry to the Governor, to which the foregoing was in answer, or did any Member of the Council require the production of it ?

Reply. I did not peruse this Letter, nor am I aware that any member of Council did, except of course the Secretary to Government, who from the nature of his Situation must have been acquainted therewith. The production of the Letter alluded to in this query was not, as far as I can recollect, required by any Member of the Council.

5. Did the Members of Council give their opinions upon this occasion seriatim, and by whom was the Minute of Council drawn up ?

Reply. The Resolution having been unanimously agreed upon, the opinions of the Members were not given seriatim, this mode of collecting the votes being only resorted to in case any difference of opinion arises out of the deliberation. I really do not exactly recollect by whom the minute was drawn up on this particular occasion. On most occasions the Secretary to Government takes the trouble of drawing up the Resolutions, after the matter has been discussed by the Members and their opinions have been made known ; this would make me suppose that he performed the same service on the present occasion, of which however I am not quite sure. All I can positively assert

is that His Excellency the Governor added to or altered something in the Resolution, which made it as it now stands on record.

Camp Ground, Cape of Good Hope, February 27th 1826.

(Signed) J. A. TRUTER.

[Original.]

*Interrogatories proposed by the COMMISSIONERS OF INQUIRY TO
the HONORABLE WALTER BENTINCK.*

(Questions the same as to Sir John Truter.)

1. Reply. I do not recollect.

2. Reply. The above mentioned Papers were laid upon the Table to enable the Council to form their opinions. I do not recollect any further explanation by His Excellency the Governor to the Council on this subject.

3. Reply. I do not recollect any explanation having been given by the Secretary to Government.

4. Reply. I am not aware that I have perused it, nor that any Member required its production.

5. Reply. I am not sure whether they gave their opinions seriatim, but they all agreed. I think the Minute was drawn up partly by the Secretary, partly by the Governor.

(Signed) WALTER BENTINCK.

[Original.]

*Interrogatories proposed by the COMMISSIONERS OF INQUIRY to the
HONORABLE LIEUTENANT COLONEL BELL, C.B.*

(Questions the same as to Sir John Truter.)

1. Reply. I do not recollect that any other Papers than are here mentioned were laid before the Council on the occasion alluded to.

2. Reply. The papers having been laid on the table, His

Excellency in about a fortnight after their production proposed in Council the re-establishment of the Medical Committee, grounding his reasons for that measure on the circumstances that gave rise to the various Correspondence already before Council.

3. Reply. This subject was certainly adverted to, but I do not recollect whether it was introduced by His Excellency or the Chief Secretary.

4. Reply. I did not ; nor do I believe its production was called for, as when the other papers were produced it was stated to have been lost or mislaid.

5. Reply. I think they did not ; there was abundance of time given for the expression of their opinions, and the most perfect freedom of discussion allowed on this, as on every other occasion. A draft of the minutes, in as far as they refer to this question, was prepared during our sitting. It was commented on by the Members, received some alteration and was finally handed to the Clerk to be inserted in the Books of Council.

(Signed) JOHN BELL.

[Copy.]

Letter from MESSRS. PILLANS AND PATON to the Moderator of the Presbytery of Edinburgh.

CAPE TOWN, CAPE OF GOOD HOPE, *February 27th 1826.*

REVD. SIR,—We the Chairman and Secretary of the Committee appointed by the Scottish Presbyterian Community in this Colony for the purpose of collecting funds and performing other Duties appertaining to the erection of a Scottish Church in this Metropolis have now the honor of transmitting to you herewith Extracts from the Committee's proceedings on the 31st December last and the 6th Instant, and we trust that they are sufficiently explicit to obviate the necessity of trespassing upon your valuable time with many additional remarks.

Our kind Agents Messrs. Wm. Borradaile Sons & Ravenhill, of London, and the chairman of our previous meeting, Mr. McDonald (who is now in Britain and who has no doubt com-

municated to you his address) are qualified to give you Information on any point to which we have omitted to allude, but which may require elucidation. And we beg leave to refer to them accordingly.

We have been given to understand that the respectable consistory of the Lutheran Church here are willing to accommodate a regularly ordained Clergyman of the Established Church of Scotland with the use of their church for Divine Service once at least every Sunday until our intended church is built.

We regret to add that our pecuniary means are at present too limited to admit of the payment of even so high a Stipend as four hundred Pounds per annum without the aid of voluntary subscriptions (which sum however we guarantee), and that our collection in this Colony for the erection of the intended church is far short of our expectations.

But the arrival here of a gifted Clergyman cannot fail to give a great stimulus to our sacred undertaking, and we anticipate with much confidence liberal pecuniary assistance from our Brethren and others in Britain, India, &c. We feel duly sensible of and grateful for the kind interest which the Presbytery of Edinburgh, collectively and individually, have evinced on our behalf. We are &c.

(Signed) CHARLES STUART PILLANS, Acting Chairman,
GEO. PATON, Secretary.

[Office Copy.]

Note from R. W. HAY, ESQRE., to the VERY REVEREND DR. POYNTER.

Mr. Hay presents his compliments to Dr. Poynter and requests he will have the goodness to call upon him at the Colonial Office any day which may prove most convenient to him.

DOWNING STREET, 28th February 1826.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 28th February 1826.

MY LORD,—We have had the honor to receive your Lordship's letter of the 23rd instant, and we beg to express our acknowledgements for the observations with which you have favoured us upon the subject of our communication of the 8th January.

We are glad to observe that your Lordship has concurred in our view of the principal changes that it may be expedient to make in the Revenual system of the Colony and in the future establishments of the public Departments, and we are obliged to your Lordship for the suggestions with which you have favoured us.

There are two or three points only which it occurs to us to be necessary that we should further notice to your Lordship as arising out of the communication which we have received.

We are of opinion with your Lordship that some increase in the revenue of the Stamp office may be effected, which will compensate for the reductions that will require to be made where at present those duties are too heavily imposed. The collection of this Revenue in the Frontier districts may be attended with some convenience, should it become necessary to establish a separate Treasury, a measure that involves many important considerations, but which in the future constitution of the Government in the Eastern Districts may be rendered partially necessary. If the preparation of the Stamps should devolve on a Committee as suggested by your Lordship, the distribution of them may be entrusted to different officers, who may be chargeable with the collection of that Branch of the Revenue, or they may be sold at the general stamp office to Stationers and Venders with the permission to retail them throughout the Colony.

The proprietors of the Constantia wine farms having very recently made an application to us for a reconsideration of the terms of their contract with the Dutch East India Company, we are not at present prepared to say whether the result may

not alter the view that we took of the measure of reducing the quantity of wine received by the amount of the annual payment made by the Colonial Government. We have entirely concurred in the expediency of such a measure, but it will now become our duty to bring the entire subject under the consideration of Earl Bathurst with a view to an equitable adjustment of the claims of the Proprietors.

We are fully aware that the tax upon slaves will operate as a direct assessment on the profits of the capital and stock of the most opulent Inhabitants both in the Town and Country, and by imposing it the farmers may be relieved from a part of the various imposts directly or indirectly levied on the agriculture of the Country, a relief that may as much depend upon a reform of the present complicated and vexatious modes of assessment as on the actual amount that it may be found practicable to remit to them. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HORTON, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 28th February 1826.

SIR,—I have the honor to transmit to you herewith for the information of Earl Bathurst a copy of a letter which His Excellency the Governor has desired me to address to the Assistant Secretary to this Government, directing him to accompany His Excellency to England. I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Copy.]

Memorial of the Inhabitants of the Baviaans' River Ward.

To His Honor Major-General Bourke, C.B., Lieutenant Governor of the Colony of the Cape of Good Hope, &c., &c., &c.

The Memorial of the Undersigned Inhabitants of the Fieldcornetcy of the Baviaans' River and adjacent territory in the district of Somerset Humbly Sheweth,

That Memorialists reside at such a considerable distance from the Villages of Cradock and Somerset that it is impossible for them or their families to attend church regularly at those places, and that they are also entirely destitute of any means of education for their children.

That Memorialists deeply impressed with the inestimable importance of Religious Instruction and of education, are anxious to make every possible exertion towards the attainment of these blessings, and with this view have now come forward to subscribe such sums as their narrow circumstances will admit of to assist in raising a fund for the establishment of a Parish Church and School on this river. But, as Memorialists are fully sensible of the inadequacy of this subscription or of any sum they can at present afford to spare for the competent support of a Clergyman and Schoolmaster, they earnestly solicit the continuance and support of Government in the prosecution of this object, and therefore beg leave humbly to submit to your Excellency's consideration the following proposals :

Memorialists are convinced that on application to the Church of Scotland a regularly ordained clergyman of respectable qualifications may be obtained willing to undertake the pastoral charge of this small parish or sub-division, and at the same time to officiate as Schoolmaster ; and on such a person being found and approved of by His Majesty's Ministers, Memorialists engage on behalf of themselves and their Heirs, so long as they possess lands in this Fieldcornetcy to raise an annual sum of at least Five Hundred Rixdollars to be added to such sum as Government may be pleased to allow, it being understood that Government will defray the expence of the Clergyman's passage out from Scotland and half of the expence necessary for the erection of a plain dwelling house and Schoolroom, the latter

being made of sufficient dimensions to serve also for a Chapel or place of Worship.

The undersigned respectfully intreat your Excellency's favourable consideration of this matter, so deeply important to them and their posterity.

And Memorialists as in duty bound will ever pray.

(Signed)	ROBERT PRINGLE	WILLIAM PRINGLE
	JOHN PRINGLE	THOMAS PRINGLE
	CHAS. J. B. SYDSERF	JOHN B. RENNIE
	J. DEVENISH	JOHN DONALD DEVENISH
	C. F. VAN DER NEST	GEORGE RENNIE
	D. J. MULLER	WILLEM PRINSLOO, Claas
	COENRAAD CHRISTOFFEL	Son
	KLOPPER	JOHANNES DIRK ENGEL-
	LUCAS MARTHINUS DEL-	BREGT
	PORT	JOHANNES JACOBUS COR-
	JOHANNES MULLER	NELIS VAN DER SANT
	JAMES DEVENISH	STEPHANUS J. MULLER
	ANDRIES H. G. VAN DER	WIDOW VAN DER NEST
	NEST	

March 1st 1826.

[Original.]

Letter from MR. B. BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, WESTMINSTER, March 1st 1826.

SIR,—The purpose for which I called in Downing Street was to inquire whether the report of the Commissioners of Inquiry upon my case had been received by your department, and if so, whether I might be allowed a copy of it.

The Newspapers represent Mr. W. Horton to have observed in the House of Commons that he hoped Mr. Hume would not press for the production of the Commissioners' report on special cases, as they might be found highly painful to individual feeling. I would therefore ask of Mr. Horton's courtesy (with permission) to acquaint me whether this allusion has any, the slightest, reference to me, because, in such event, I shall anti-

cipate the proceedings I meditate in Parliament with respect to the Governor of the Cape of Good Hope, by having the report in question immediately moved for.

An opinion that I could better explain myself personally on this point led me ignorantly to the breach it appears I have committed in seeking an interview with you.

I take this occasion also to enquire whether, if the report on my case is received, Earl Bathurst has formed his decision upon the merits of my appeal to his department. I am &c.

(Signed) B. BURNETT.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

1 March 1826.

SIR,—I received your communication of the 27th and beg the favour of an interview when most convenient, as to several of the communications made and the security I am prepared to give too long for the subject of a letter. I am &c.

(Signed) WM. SHEPHERD.

[Original.]

Representation of some Inhabitants of Albany.

GRAHAM'S TOWN, CAPE OF GOOD HOPE, 1st March 1826.

We, the undersigned, Inhabitants of Albany, having learned that William Howard, Schoolmaster of one of the Free Schools at Graham's Town, has prepared and is about to transmit to England a Memorial or Petition to the House of Commons in Parliament assembled, wherein he has made the most unwarrantable insinuations tending to implicate criminally the conduct, and scandalize the characters, of several of the Authorities and others in this District, and that he has, in order to give the appearance of weight and authority to the said Memorial or Petition, insidiously obtained the Signatures of a number of Persons, which are to form an appendix thereto; and conceiving that should such a Document be laid before the Parlia-

ment of Great Britain, without observation or contradiction, that it might have the effect of creating an unfavorable impression on the minds of His Majesty's Ministers and the Public towards those whom we consider undeserving the stigma which he is endeavouring by these means to cast upon them,

Do hereby certify, in order to counteract its mischievous tendency, that in our opinions the said William Howard has always been an active fomentor of Litigious Disputes among the British Settlers, and that it is our decided conviction that the Document alluded to is a tissue of falsehood and misrepresentation, and therefore quite unworthy the serious consideration of the British House of Commons.

(Signed) ROBT. HENMAN

HENRY LLOYD

TIMOTHY FLANEGAN

WILLIAM DEALE, Merchant

JOHN NORTON, Merchant

WM. E. SMITH, Merchant

JAMES WARD

JOHN AUSTEN

BEN. GREEN, Merchant

J. STUBBS

BENJ. NORDEN

JOHN MANDY, Head of
Party

JOHN BATHGATE

RICHARD HAYHURST, Head
of Party

F. FYNN, Junior

FREDERICK HAWKES

WM. STEVENS

JOHN A. KENNEY

JAMES FITZGERALD

RALPH GODDARD

JOSEPH GOODES

JOHN BROWN, Head of
Party

W. WENTWORTH

D. McDONALD

JOHN CRICHTON

G. STOKES

JOHN FRIER

JOHN × NELEND

JAMES LANCE

G. J. WATSON

G. B. CURLLE

NATHANIEL MORGAN

PHILIP DIXIE

WM. BEAR

JOHN WILSON

CHARLES × MARSHAL

WILLIAM ROBERTS

THOS. MILLER

D. HOLLAND

JAS. MOORCROFT

J. RICHAIR

JOHN BEALE

J. EDKINS

ROBERT PIRIE

WM. TROTTER

[A few of the above names may not be quite correctly given, as they can hardly be made out.—G. M. T.]

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*CAPE OF GOOD HOPE, *March 2nd 1826.*

MY LORD,—Your Lordship's Despatch No. 170 dated 20th of May 1825 arrived here on the 6th of November last.

Had I conjectured that the Lieutenant Governor's arrival would have been so long protracted I should have forwarded my reply by the earliest opportunity ; but the conviction that I might in a personal interview with Your Lordship add to that reply many explanations and details too numerous and minute for a public communication (although of great importance for the purpose of explicitly proving how very erroneous an impression has been taken of the subject, and consequently how great an injustice has been done to me) as well as also, in some measure, an instinctive aversion to address Your Lordship upon a subject so irritating and revolting to my feelings, induced me from the first to postpone my answer until my presence in England should enable Your Lordship to develop fully every particular which it may be necessary for me to touch upon ; and the constant expectation of the speedy arrival of the *Rainbow* has deterred me from changing this resolution.

It would be superfluous to observe how anxiously I awaited the result of the Inquiry which His Majesty's Commissioners of Inquiry were directed to institute on the subject of Mr. D'Escury's misrepresentations. That inquiry His Majesty's Commissioners felt it their duty to pursue, altho' Mr. D'Escury (from whose representations the charge had originated) had broadly and unequivocally disavowed and disclaimed the intention of making any charge against me. I rejoice at this because I felt that such an accusation should not simply be abandoned, but that all the facts and circumstances which were supposed to have given rise to it ought to be fully and fairly examined. I contemplated the tedious progress of the inquiry with vexation indeed but without distrust. Conscious that I merited not the base insinuations that had been thrown out against me I stood aloof as a mere spectator,—I called no witness,—I entered upon no defence.

The Report was not communicated to me, but sent to England

and the substance of it is at length made known to me by Your Lordship's Despatch.

In that Despatch written before any Statement or observations of mine had been made or even called for, I find, what I was confident must be found, my full and distinct acquittal from every one of the charges personally affecting myself. But as the insinuations which have been thrown out against my conduct are even less warranted by the real facts of the case than by the report of His Majesty's Commissioners of Inquiry (so far as I can collect from the summary of that report contained in Your Lordship's Despatch) I think it necessary to lay before Your Lordship a plain statement, from which, if I do not greatly deceive myself, the real circumstances of this case may be better understood than they have hitherto been.

In the report itself three facts are clearly established.

First. That the Sorcerer Colt was sold for no more than his fair value.

Secondly. That there is no ground for imputing any collusion to me in regard to the case of Ockhuisen, who did *not* buy a horse and who *did* obtain the land he applied for.

Thirdly. That the grant to Mr. Redelinghuis was a regular and well considered measure, made by and with the recommendation of the Officers by whose report the Governor is bound in such cases to be guided, and totally unconnected with the purchase which was two years previously made by the Lady he married, of one-third share of a Horse (the Sorcerer colt). This is the Summary of the whole affair as regards myself, for I presume I am not to be responsible for the abuse of my name by other persons, although I observe that Your Lordship agrees with the Commissioners in thinking that "a want of discretion has been manifested by me in confiding to my Agent Mr. Poggenpoel the management of a transaction in which the integrity of my public Character could be brought in question." Now if this refers to the sale of the Horse, I respectfully submit to Your Lordship that "the integrity of my public Character could not be brought into question" by the sale of a Horse which is admitted by the Commissioners and shewn by irrefragable proof to have been sold for no more than his fair value. Again if it refer to the grant of Land. It is admitted in the Report that was a "separate and distinct

transaction conducted in the most open and deliberate manner according to the forms observed in such cases," and one moreover in which Mr. Poggenpoel could have no concern whatever. It is only by a perversion of facts that the two transactions can be blended together and the charge even of indiscretion be brought against me by the Commissioners.

I must here also notice another inference which has been most incorrectly drawn from the circumstances of this case. It has been assumed that the Sorcerer Colt was sent to the Hantam District for Sale, or at least that I might derive the *largest* profit from his services as a Stallion. Now both these assertions are positively and directly at variance with the fact. There is proof annexed that I had previously refused 9,000 Rixdollars ready money for the Horse in Cape Town and it is hardly to be credited that I should send a Colt only three years old of such extraordinary value 500 miles through a most rugged and almost uninhabited country for the sake of selling him for a sum which I could have procured on the spot, and as for the notion that the horse was sent thither for the purpose of obtaining a larger number of mares, the Appendix I shews that nine years afterwards when the Colony is stocked with well-bred Stallions, one hundred and two mares are sent to this very horse within sixteen miles of Newlands stable door.

Before I proceed to detail very briefly the accidental circumstance which really led to the sale of this Horse, it is incumbent on me to notice the observations made on Mr. Poggenpoel, who throughout the Despatch is styled *my* Agent. On my arrival here Mr. Poggenpoel was strongly recommended to me by the late much lamented Mr. Alexander, as a very proper person to be employed in the purchase of any horses I might require, as he was a good judge and well acquainted with all the Breeders. Mr. Alexander informed me that he had always employed him and had found him very trustworthy. In consequence of this recommendation Mr. Poggenpoel during the first two years after my arrival purchased several horses for me, and on many occasions I entrusted him with very considerable sums of Money and I always found him rigidly correct in all pecuniary affairs and fully to answer the character for integrity given him by Mr. Alexander. He is a talkative sanguine uneducated man, but I believe him to be totally incapable of any corrupt

action. In this affair of the Sorcerer Colt Mr. Poggenpoel was unquestionably the Agent of the Hantam Boers infinitely more than mine. He came to me to ask permission for them to see the English Stallions and he conveyed their wishes that this particular horse should be sent to that Country. To this I was extremely averse and proposed to send another (older) horse called Cricketer instead of him, and it was only in compliance with the earnest solicitations of those persons and the reputation the Hantam at that time possessed of having the best mares, that I consented to send the Sorcerer Colt thither. I will not encumber this part of my reply with further Details, but I beg to refer Your Lordship to the replies of Thomas Impey, the Groom who had charge of the Colt at that time, whose very natural testimony appears unaccountably to have been overlooked by the Commissioners, although they seem to have sought far and near for evidence in this case. These replies shew that the sale of the Horse was originally neither intended nor desired, and that it was forced upon me at last by the accident of the continued stony surface for upwards of 200 miles having so worn his shoes as to cause him to cast them and also having reduced his feet to a state which rendered him incapable of travelling so great a distance without shoes. Before I leave this part of the subject I will add a very few words in explanation of the first refusal of the Land applied for by the Widow Louw, who purchased one-third share of the Horse; although this part of the case is so very clearly and avowedly established in my favour that it is hardly necessary so to do. When the Widow first applied for the Land (which had been occupied time out of mind by the possessors of the two Loan places, and which it appears was necessary to the occupation of those places with any advantage to the possessor of them) it was refused her, because she had other loan places not asked for in quit rent. Two years afterwards when the same request was made by Mr. Redelinghuis that objection was removed, the places not asked for in quit rent having been disposed of towards paying the fortunes of Mrs. Redelinghuis's two children by her first marriage. By this grant therefore no favor whatever was shewn to Mr. Redelinghuis. His wife's family and the previous possessors of the estate (as stated in the last page) had occupied the land *rent free*, whereas upon

the grant being made to Mr. Redelinghuis the full value was set upon it as quit rent and the expence of survey (amounting to upwards of 2,200 Rixdollars) fell also on him.

There cannot be a greater mistake than to suppose that every grant of land at the Cape confers a favor on the grantee. In many cases he is a sufferer from the great expence of survey (particularly of places situate at a distance from the Seat of Magistracy like the one in question), but in all cases the interests of the Colony are principally benefited by conducing to the outlay of Capital on the Land, either by tilling or stocking it. So strongly am I of this opinion that had I had permission to have imported the breeding horses on account of Government, I should certainly have proposed to make free grants of good horse pasture to every purchaser on condition of keeping up a certain stock of mares and of rearing the produce with care. There are two circumstances also relative to Ockhuisen which, although trifling in themselves, have been so singularly perverted that I must entreat Your Lordship's attention to the following remarks upon them. I allude first to the haste with which the Memorial of Ockhuisen was sent to the Landdrost. On receiving Memorials of this nature I am in the habit of immediately transmitting them to the Office, endorsing (in pencil) "To be referred to the proper authority. C. H. S." The Memorial in question might have arrived at the office on a post day and consequently have been immediately forwarded, or Ockhuisen might have requested at the office that he might be the bearer of the letter (which is the most probable case) in order to secure the Magistrate's early attention to it ; and thus by the common routine of official business is a circumstance plainly and fully accounted for, which it is affected to envelope in mystery and is grasped at as a matter worthy of suspicion, if not of charge. Had the Commissioners inquired at the Colonial Secretary's office they would have found thousands of instances of this kind. The other circumstance to which I allude is the letter which was written to Ockhuisen requiring his answer respecting the horse. Now the fact is that the only information I required by this answer was if a sufficient number of good mares would be sent to the horse (if sent to that country) to induce me to send him such a journey, as it was only on that condition with a view to the advantage of the breed, that I had consented to

send *that* horse to the Hantam, for the breeders in other parts were impatient to ascertain where he would be that season, as all were desirous to send their best mares to him. Had the horse not been unfortunately disabled from travelling by the accident before stated, the groom would have returned with him without further orders, Mr. Poggenpoel could never have made a second journey to the Hantam, the horse would have been sold, all the best mares in the Colony would have been sent to him, and those who have conspired on this occasion to destroy my fame and honor would have been compelled to have invented or perverted some other transaction to accomplish their malignant purposes.

It is however not my wish to confine my answer to one particular case. I am perfectly ready to shew that, not only in this particular instance, but in the whole course of all my transactions relative to the importation and disposal of horses, I was solely actuated by an honest wish to encourage a species of Farming to which the greater part of this Colony is best adapted, and that I was *never* influenced by a mean desire of profit. I must have been a very unwise Speculator indeed, if such a thought ever entered my mind. The expences and risk of importation are so enormous that it is impossible even for the high prices which the animals command in this Colony to remunerate the Adventurer. Convinced therefore that the risk was too great for any private Speculators to be induced to import on an efficient scale, or even, if attempted, that they would be enabled to dispose of the horses upon the only terms upon which the Horse Breeder in this Colony could afford to purchase, viz. not to pay the purchase money until such a period had elapsed that the sale of the Stock from the Animal should enable them to do so, I thought it a duty for so desirable an end to undertake the risk myself.

Conscious that my views were perfectly disinterested, it never entered my imagination that in resorting to an obvious means of doing the Colony a great and permanent service in a way in which I felt myself well qualified to do, I should afford opportunity for malicious persons to say that I was serving myself. Of course it was out of the question to have compassed this object without disposing of the Horses by sale when imported ; but this I have ever done with the greatest considera-

tion for the purchasers, both as to the price and to the mode of payment, and not only has not a single Individual ever complained of his bargain, but *there is not one* purchaser who does not acknowledge himself obliged. How far my conduct in this particular has been useful to the Colony and advantageous to the purchasers is too well known to need any comment, and which indeed is acknowledged in Your Lordship's Despatch. How it has answered to myself, Your Lordship may collect from the Document annexed, by which you will see that my loss cannot be rated so low as from £4,000 to £5,000 and upwards. I might make a merit of these exertions and of these losses, but all I ask for is that my conduct should be received and my motives judged with common justice, and that charges and insinuations such as Mr. D'Escury has thought fit to advance and afterwards to disclaim may not be brought forward against me with impunity. If with no view to the advancement of the Colony which His Majesty had committed to my charge and simply for the gratification of a private pursuit to which early habits and predilections might naturally have inclined me, if, I say, with no other view than my personal gratification, I had expended so much care and money for the improvement of the Breed of Horses here, without seeking or desiring any praise, I might surely have expected to have escaped from invidious imputation. With the example of England before me, where the Gentry, the Nobility, the Royal Family, nay even the Legislature itself, have not thought this pursuit unworthy of their encouragement, where hardly a Town of any note is without its Race Course, and where the advantages which we have derived as a Nation from our superior breed of Horses are generally appreciated, I could not expect that my character would be endangered or my motives exposed to suspicions in promoting a similar spirit in this Colony, where every measure which tends to produce an Article of Export is of the first importance. But I have a right to stand on higher ground. There is no species of Agricultural Stock which I have not endeavoured, and I may boast successfully, to improve, and this ought to convince any unbiassed mind that I have been actuated by a desire to promote the public welfare at least as much as my own selfish gratifications. The Inhabitants know this, and are grateful for it, and in their gratitude and attachment (so

unequivocally and spontaneously evinced within these few days on my approaching departure being announced by demonstrations that I venture to say never were exceeded and perhaps scarcely ever equalled towards any Individual) as well as in the proofs I daily see of the advantages which the Colony has reaped from the very measures for which attempts have been made to calumniate me, I find my chief consolation under the load of unmerited obloquy which has been thrown upon me by a conspiracy of artful and vindictive men.

I have indeed an additional source of satisfaction in the knowledge that the Commissioners and Your Lordship concur in absolving me from the charge of any participation in or knowledge of any discreditable transaction, the supposed existence of which has been made the ground of accusation against me. But I ought in candor and in justice to others, as well as myself, to state my belief that no such impropriety as is alluded to did in fact take place or was intended between any of the parties, and I think this is the fair result of the whole evidence taken by the Commissioners on this subject.

Upon the general observations with which Your Lordship's Despatch is closed, I can have little to remark, although after what I have already stated it will hardly be expected that I should concur in all the general opinions there expressed. Your Lordship conceives that I had anticipated the result to which those observations point, by abandoning altogether the importation of Horses before Your Lordship's Despatch was written. I did this indeed not from any suspicion (for I could not entertain any) that my motives could be so misconstrued as it now appears they have been, but from a conviction that the pecuniary loss which I had already sustained was more than in prudence I ought to have incurred. That loss however I cannot regret. I can bear with patience even the unjust aspersions to which my conduct and character have been exposed, aware as I am of the base motives from which those aspersions spring, whilst I see and know that the introduction of a species of produce which has already proved most beneficial to the Colony over whose interests I preside, has been encouraged by my example and fostered by my assistance, and whilst I feel that however much the British public may be for a time misled with respect to the actions of public men, erroneous impressions are generally

corrected by time and examination and the conduct of those in high and responsible Stations is ultimately judged with fairness and with candor. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Questions put to CHRISTIAN KOTZÉ, ESQRE., respecting the Sorcerer Horse, February 7th 1826, and his Answers thereto.

Do you reside with your Father at Blauwberg ?

Reply. Yes.

Can you inform me how many Mares your Father's Horse Sorcerer has covered this Season ?

Reply. One hundred and two.

At what price has the Horse covered ?

Reply. At Rixdollars Fifty.

Do you know whether your Father has at any time since he purchased the Sorcerer Horse offered him for sale, and if so to whom ?

Reply. I know at one time my Father offered the Sorcerer Horse to Mr. Melk for 8,000 Rds., giving Mr. Melk 24 hours to consider if he would have him at that price, but before that time expired and Mr. Melk could give his answer my Father told him he had changed his mind and would not part with the Horse. This happened at Mr. Van Reenen's sale at Brak Fontein.

Have you reason to think that your Father would part with the Horse at this time if he were offered 10,000 Rixdollars ?

Reply. Certainly not. He could not get such a Horse again. The coverings alone were equal to 5,000 Rixdollars last year.

(Signed) J. C. KOTZÉ.

[Enclosure 2 in the above.]

Questions put to WILLIAM PROCTOR, ESQRE., respecting the Sorcerer Horse, February 6th 1826.

Do you recollect the late Mr. De Vos (Father of Mrs. Proctor) in the course of the Winter (June or July) 1817 expressing any wish to buy the Sorcerer Colt of His Excellency the Governor ?

Reply. I do.

Are you aware if Mr. De Vos made any direct offer to His Excellency for that Horse, and what sum he offered for him ?

Reply. I was present when Mr. De Vos offered His Excellency nine thousand Rixdollars ready money for the Sorcerer Colt.

What answer did His Excellency give to Mr. De Vos's offer of nine thousand Rixdollars ready money for the Sorcerer Colt ?

Reply. His Excellency declined selling that Horse, as it was his intention that he should cover in different parts of the Colony for a few seasons, as he considered him more likely to improve the breed than any other Horse from his extraordinary size and powers.

I am ready at any time to attest the above answers on oath.

(Signed) WM. PROCTOR.

[Enclosure 3 in the above.]

Questions put to THOMAS IMPEY with his Answers thereto.

Do you recollect when living with His Excellency the Governor, as under groom in the year 1817 being ordered to take the Sorcerer Colt (then serving the Mares at the Government Farm Groote Post) to the Hantam ?

Reply. Yes.

Did you proceed with the Colt in consequence of that order, and did you meet Mr. Poggenpoel at Mr. Martinus Smuts' at Zwartland Church ?

Reply. Yes.

Did Mr. Poggenpoel conduct you to the Field Cornet Van der Merwe's in the Hantam ?

Reply. Yes.

Did Mr. Poggenpoel inform you that the Horse went to the Hantam at the particular desire of several breeders resident there, and did he inform you that he had a list of a number of Mares which were engaged to be sent to the Horse ?

Reply. His Excellency told me before I started that the Horse Sorcerer was sent to the Hantam by the request of several of the Breeders to cover, and although Mr. Poggenpoel did not expressly tell me this, yet I heard him say so. He never

informed me he had a List of the number of Mares to be sent to the Horse.

Did a person named Ockhuisen come to Field Cornet Van der Merwe's when you were there and inform Mr. Poggenpoel that the Mares would not be sent as the Horse had arrived so late ?

Reply. I don't know what Ockhuisen told Mr. Poggenpoel, but whilst at Van der Merwe's Mr. Ockhuisen told me so.

Did you in consequence of this proceed at Mr. Poggenpoel's request to Field Commandant Nel's, when being again disappointed did you return to Field Cornet Van der Merwe's with the Horse ?

Reply. I went to Field Cornet Nel's at Mr. Poggenpoel's request, he accompanying me, got no mares there, and next morning went to the Widow Louw's where I stopped a month by Mr. Poggenpoel's order, and from thence returned to Van der Merwe's and stopped there a month.

Did Mr. Poggenpoel before he left you inform you that a certain number of Mares would still be sent to the Horse, and did he give you a List stating the number of Mares and by whom they were to be sent ?

Reply. Mr. Poggenpoel before he left me said a number of Mares would still be sent to the Horse, but gave me no list. He said Cobus Nel would give me the orders.

Did you some time afterwards write to Captain Underwood or any one of His Excellency's staff and state that there was no appearance of any Mares being sent to the Horse, and that if you had been able to procure a pair of fore shoes for the Horse you should return to Groote Post Farm, but not being able to do so you requested to receive His Excellency's further orders, as the country over which you were to pass was so stony you did not consider it safe to travel the Horse without Shoes ?

Reply. Yes, this is perfectly the case, and nothing whatever was the matter with the Horse from the day I left Groote Post until my return but foot sore from travelling.

(Signed) THOS. IMPEY.

The Answers to the above Questions taken before me at Port Elizabeth the 11th day of February 1826.

(Signed) F. EVATT,
Commandant and Resident.

[Enclosure 4 in the above.]

MOSSEL BAY, 3rd February 1826.

SIR,—Yours of the 19th Ultimo arrived in my absence in the country. I arrived this morning, and in answer to your Queries :

September 20th 1817. I shipped the following Horses in the London Dock on board the Ship *Duke of Marlborough*, myself Master, for this Colony, for which I paid as follows :

No. 1	Japan	.	.	.	.	.	.	£70
2	Young Coton.	.	.	.	.	.	.	85
3	Young Worthy	.	.	.	.	.	.	45
4	Young Sorcerer	.	.	.	.	.	.	75
5	Golden Leg	.	.	.	.	.	.	80
6	Wakey	.	.	.	.	.	.	70
7	Whiskey	.	.	.	.	.	.	70
8	Young Tidey the Grinder	.	.	.	.	.	.	80
								£575
Corn &c. for the passage								250
2 Grooms								100
Passage for Horses								420
								£1,345

On the 18th of December I arrived in Table Bay. Seven of the horses died on the passage. The one that I landed, Young Worthy, I sold to Mr. Dirk Cloete of Stellenbosch for £100, so my loss on that was £1,245. I brought out Horses several times for His Excellency, and was unfortunate with some of them, also for Mr. Proctor, out of 3 one of his died. More particulars I have not here with me, but on my arrival in Cape Town I can give you more particulars if His Excellency wishes, which will be in about 3 weeks. I am &c.

(Signed) WILLIAM HOLLETT.

To P. G. Brink, Esqre.

[Enclosure 5 in the above.]

CAPE TOWN, February 22nd 1826.

MY LORD,—In answer to your Lordship's request to be furnished with the result of my Father's endeavour to import Horses from England, together with the particulars of Costs

and Expenses incurred thereon, I have the honor to transmit them herewith :

Chichester, bought of the Duke of Richmond .	£136	10	0
Travelling expenses.	7	7	0
Standing at livery	2	12	0
Embarkation and Dock Expenses	5	15	0
Forage, Horse Medicine &c.	21	6	0
Freight for Horse	40	0	0
Passage for Groom	26	5	0
Groom at one guinea per week.	16	16	0
	£256	11	0
Berghill, bought of Mr. Leytton	£210		
Travelling expenses and forage			38
			£248

This Horse dying in Channel, no Freight or Groom was charged, which at the former rate of £83 1s., if included, would make £331 1s. These are the only attempts my Father has made to import English Horses, by which he has suffered a net loss of £504 11s. My Father purchased a thorough bred Mare, imported here by Captain Christopher in 1817, from which he has bred several Fillies and Colts. He sold one of the latter at three years old for £187 10s. and another at one year old for £165. I have &c.

(Signed) A. J. CLOETE.

To Lord Charles Henry Somerset.

[Enclosure 6 in the above.]

The extreme risk of importing English Horses to the Cape is strongly elucidated by the following circumstance :

Cape Thomas (late of the 17th Dragoons and Brother of Colonel Thomas) sailed from Falmouth on the 8th December 1825 in the Ship *Albion*, (C. Proctor Master) for New South Wales, with 28 Horses, and arrived at the Cape on the 23rd of February 1826. During the passage to the Cape (which was neither boisterous nor protracted) fourteen of the Horses died.

This circumstance was stated to me by Captain Thomas himself this day.

(Signed) CHARLES HENRY SOMERSET.

NEWLANDS, *February 27th 1826.*

[Enclosure 7 in the above.]

*Statement of the Profit and Loss on the importation of 34 Horses
by Lord Charles Somerset from England to the Cape of Good
Hope :*

Died at Sea	11
Died after landing	2
Gave to Mr. Cloete	1
Remains unsold	1
Sold as under	19
	34

1 Bustler	1,400 Rixdollars
2 Ploughboy	9,000
3 Bobtail (at auction)	7,350
4 Alexander do.	7,000
5 Euryalus	7,000
6 Pompey	5,500
7 Yaffil	5,000
8 Sorcerer	10,000
9 Anna	4,000
10 Dick Andrew's Mare	2,000
11 Kutusoff	7,000
12 Ranksborough	4,000
13 Haphazard	6,000
14 Cricketer	5,600
15 Vanguard	6,000
16 Waxey	6,000
17 Walton	5,000
18 Albion	5,500
19 Clinker	4,000

107,350 Rixdollars or £8051 5s.

As the Bills have not been preserved of the various expences incurred in procuring the Horses and sending them out to the Cape, a calculation is made at £350 for each Horse, including *every expence* of original cost, freight for the Horses and Grooms, Forage, Embarkation, fitting up Berths, &c., &c., which expences are so numerous and so enormous that it would certainly be more correct to make the calculation at £400 per Horse, which is more than borne out by His Majesty's Commissioners of Inquiry, the result of whose inquiry on the subject of importing

English Horses to the Cape of Good Hope is that actual loss must accrue to the Vender unless the selling price in the Colony exceeds 8,000 Rixdollars or £600 Sterling.

Cost of 34 Horses, including all expences as above at £350 each	£11,900	0	0
Proceeds of Sales as above	8,051	5	0
Net Loss	£3,848	15	0

Cost of 34 Horses, including all expences as above at £400 each	£13,600	0	0
Proceeds of Sales as above	8,051	5	0
Net Loss	£5,548	15	0

The Horse which remains unsold cost £341 5s. in England, exclusive of any Expence whatever.

Cape of Good Hope, 2nd March 1826.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 2nd March 1826.

SIR,—I have received your letter of the 1st Instant, and having communicated it to Lord Bathurst, I am directed by his Lordship to acquaint you, that the Report from the Commissioners at the Cape, to which you allude, has been received at the Colonial Department, but that there is nothing contained in it which would lead his Lordship to alter the decision on your case which has been communicated to you.

Lord Bathurst has desired me to add that he does not feel at liberty to comply with your request to be furnished with a Copy of the Commissioners' Report. It is not the practice to grant to Individuals, Copies of Official Papers, and it is to this circumstance that the observation applies, which you state to have been made by Mr. Wilmot Horton in the House of Commons.

In regard to the "breach" which you imagine that "you have committed" by seeking an Interview with me in Downing

Street, I am not aware that you have committed any, or that my letter implied it, although I certainly desired that any communication between us should take place in writing.

I remain &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 2nd March 1826.

MY LORD,—We have the honor to acknowledge the receipt of your letter dated 24th ultimo, and in compliance with the wish expressed by your Lordship to be possessed of our opinion as to the amount of the salaries that we would recommend to be given to Messrs. John Brink and Zastron, we beg leave to state that from a mixed consideration of the amount of the salaries and fees that they were induced to give up and of the importance of the duties attached to their present situations in the Colonial Office, we are of opinion that Mr. John Brink should receive a salary of two hundred and twenty-five pounds sterling per annum and Mr. Zastron that of one hundred and eighty pounds. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

Mr. John Brink now receives salary as clerk	Rds. 1,500
He gave up salary as collector of stamps.	800
„ Fees for gunpowder issued	700
	£225 Sterling or Rds. 3,000

Mr. Zastron now receives salary as clerk	Rds. 900
He did receive salary as bookkeeper in the printing office	500
„ Fees	100
	£112 10s. Sterling or Rds. 1,500

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 3 March 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch (Circular) under date the 14th March 1823, and according to the directions therein contained I beg to transmit to Your Lordship a copy of a letter from the Superintendant of Government Works and Buildings, covering an Inventory which I have ordered him to prepare of the different Articles of Furniture which, having been purchased at the Public Expence, are at present in use in the Houses occupied by the Governor of this Colony by virtue of his office.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, 3rd March 1826.

SIR,—I have the honor to enclose you a Return of Furniture belonging to the Government in the residencies at Newlands, Cape Town, and Camp's Bay, agreeably to the orders of His Excellency the Governor. I have &c.

(Signed) F. HOPE, Sup. of Works and Buildings.

The Honorable Sir Richard Plasket.

[It cannot be necessary to copy the lists, which are long and include the most trifling articles.—G. M. T.]

 [Office Copy.]
Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF COLONIAL AUDIT.

DOWNING STREET, 3rd March 1826.

GENTLEMEN,—Having laid before the Earl Bathurst your Secretary's letters of the 11th and 25th of January last, I am directed by his Lordship to acquaint you in reply that as the

Governor of the Cape of Good Hope may be expected in England at no very distant period, it will be expedient to defer for the present considering such of the items of expenditure in the Accounts of the Colony for the years 1822 and 1823 as will require his Lordship's special Sanction. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR W. M. G. COLEBROOKE *to* R. WILMOT
HORTON, ESQUIRE.

CAPE TOWN, 3rd March 1826.

MY DEAR SIR,—As I have observed in the *Government Gazette* of this day that a mistake has been admitted in the report of some observations that I made at a public dinner to which we were invited to meet the Governor previous to his departure, I take the liberty of mentioning it to you, as it is impossible to know how far a wrong inference may be deduced from the expression that has been attributed to me.

Mr. Bigge and myself having addressed a letter to the Governor in which we stated that we should at all times feel the greatest satisfaction in declaring the sentiments it contained, I conceived that it would not be candid nor consistent on the occasion in question to withhold the avowal of these sentiments, and I adhered as closely as my recollection enabled me to do to the expressions we had used in the letter.

It is stated in the *Gazette* that I “thanked the Governor for the constant assistance he had afforded us in the discharge of our duties,” but this was not the observation that I made. “I took the opportunity of acknowledging that the disposition that Lord Charles Somerset had manifested towards us had tended to facilitate the performance of our duties.”

The enclosed copy of our letter will explain to you the extent to which my observations may have varied from the terms of it ; and it will at the same time convey to you the real import of the acknowledgement which it was my intention to make in the presence of Lord Charles Somerset. I beg &c.

(Signed) W. M. G. COLEBROOKE.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

NO. 1 CROWN COURT, BROAD STREET, 3rd March 1826.

SIR,—I have the honour to acknowledge the receipt of your letter of the 27th ultimo, and in reply I feel bound to admit the justice of your remarks as to the propriety of my having come to this country prepared with some offer on the part of the settlers for the repayment of the expence to be incurred, provided those settlers had been in a capacity to have made such a proposition, but they considered that their recent losses and contracted means (which every one acquainted with the colony must acknowledge are great) would be a sufficient inducement to his Majesty's government to grant the prayer of your petitioners; considering also the want of servants in the Colony together with the small number of females making it highly necessary in a moral point of view that more females should be sent out, joined to the political benefit to be derived from putting the British population par with the Dutch, all these considerations your petitioners thought would have sufficient weight with his Lordship in granting their request.

However, should my Lord Bathurst still require a security, I beg to repeat that I am ready to get the signature of each individual now desirous of proceeding with me to any undertaking his Lordship may think fit. Or should that not be admitted, feeling as I do towards those whose cause I have undertaken I will give my personal bond for the repayment of half the expence of whatever may be advanced to me for the purpose of conveying out these persons, or that it may cost His Majesty's government to convey them, provided my said bond may be allowed to be *redeemed* on producing the *engagement* of the Settlers who deputed me, for their respective families, which engagement I will procure as soon as possible and exchange for my own bond, and in default of my doing so to the satisfaction of the Colonial government my own bond is to stand in force against me so far as it is not cancelled by the Settlers' Bond or Bonds which I may give in. I am &c.

(Signed) WM. SHEPHERD.

[Original.]

Letter from MR. D. M. PERCEVAL to R. W. HAY, ESQRE.

COUNCIL OFFICE, CAPE TOWN, *March 4th 1826.*

SIR,—I have the honor to transmit the First Volume of the Minutes of His Majesty's Council for this Colony, together with an Appendix, and with Copies of all the Ordinances passed during the year 1825, bound separately, and accompanied by an Index, according to the Instructions contained in Earl Bathurst's despatch No. 142, dated February 9th 1825.

I have so far departed from these Instructions as to delay the transmission of these documents until the departure of His Excellency Lord Charles Somerset for England. But I shall for the future be careful to transmit the minutes and ordinances half yearly.

As you will perceive that since my arrival here in November last the manner of keeping the Minutes has been changed, I shall do myself the honor of submitting a short explanation of the reasons which induced me to make this alteration.

My predecessors had thought it necessary, according to the practice of the former Dutch Council here, to enter at full length upon the Minutes every paper which was laid before the Council and every Ordinance agreed to by it.

Although this method was certainly recommended by its simplicity, it occurred to me that it would render any reference to the Minutes extremely difficult, and would produce a very unwieldy mass of records, instead of a Journal of the Proceedings of the Council. I have therefore thought it my duty to enter upon the face of the Minutes such abstracts only of the documents presented to the Council as were necessary to explain the proceedings in each case, and to refer in the margin to the place in the appendix where the originals will be found at length.

With regard to the Ordinances, as these acts are neither drawn up by the Council, nor are the originals enrolled in the Council office, and moreover, as printed copies of them are to be forwarded half-yearly to England, I have thought it sufficient to insert duplicates at the End of the Appendix. And as to Despatches, whether from England to the Cape or *vice versâ*, I conceive their number and date is all that can be required.

I have subjoined to the body of the Minutes a Copious and Methodical Index of all the subjects which have been discussed in Council, by means of which a reference either to the Minutes or to the Appendix will be perfectly easy, as the Index will shew the page in the Minute book, and the Marginal note there will give the place in the Appendix where any document, which it may be necessary to refer to, may be found.

I hope that this arrangement will meet with Lord Bathurst's approbation, and I presume that the general order for duplicates of all despatches from the Colonies is not meant to extend to so voluminous a compilation as the present, as it would be quite impossible for me to prepare them, with only one Assistant.

I have &c.

(Signed) D. M. PERCEVAL.

[Original.]

Letter from the REVEREND EDWARD JUDGE *to* LORD CHARLES SOMERSET.

CAPE TOWN, *March 4th* 1826.

MY LORD,—Having understood that it is your Lordship's intention immediately to embark for England, I beg leave, before your departure, to submit to your consideration the propriety of erecting a Room adapted to the purpose of conducting the Grammar School. I hope the importunity with which I have urged this point will not seem disrespectful, since it appears to me that the ultimate success of the Establishment must depend on the success of that which is the object of my present application. I am aware, My Lord, that the expenditure of the Colonial Funds is to a certain degree restricted, but, with deference I would venture to suggest that as considerable charges have been already incurred in order to commence the School, it would be a pity that the Establishment itself should be suffered to fall to nothing for want of a comparatively trifling additional expense.

I owe, my Lord, some apology for presuming to mention

reasons which have probably already occurred to your Lordship's own mind ; but there is one point, of which, as I have almost exclusively felt the inconvenience, none perhaps can explain it better than myself. The only room I have at present in which I can conduct the School is 20 ft. 3 in. in length, and 15 ft. 3 in. in breadth. The number of Pupils in the School is 30. How far a Room of these dimensions is adapted for containing 30 children with impunity to their health in this burning climate it would be presumption in me to suggest. It is, at all events, unnecessary to say, that it is incapable of accommodating a larger number. This may perhaps suggest another consideration of some importance to the future success of the Institution. According to the charges adopted in the School, the whole profits, without any deductions, derived from 30 pupils, amount to 4,320 Rixdollars, or £324 Sterling per annum, from which if £140 be subtracted as the Salaries of my present Assistants, a sum fluctuating about £180 per annum, and subject to that uncertainty of payment which is almost proverbial in this Colony, remains to reward the Master's toil and expense. I beg leave respectfully to submit to Your Lordship the question, whether any man of high talents and acquirements would remain at, much less would come to, a place where living is so expensive as at the Cape of Good Hope, for the sake of such prospects as are here offered. If it should be found necessary to appoint a successor to the office I now hold, this may be a point of some importance, provided that there should be at that time no School of those dimensions which may contain a sufficient number of pupils to repay the labour, pains, hazard, and expenses of the Master. By me the pecuniary inconvenience I point out will not be so much felt, in the first instance at least, since my salary from the Government will last for 6 years, being diminished to one half after the expiration of the third year ; but whoever may succeed to my office would find himself placed in one of much difficulty and little emolument.

Many other reasons might be mentioned which will prevent the Institution from becoming one of extensive utility without an enlargement of its means, that is without the appendage of a Schoolroom of respectable dimensions, but I should be intruding too far on your Lordship's patience were I to recapitulate them. In the case of Indian pupils especially, it cannot be

expected that parents will send their children hither for education, unless it were to a School of some reputation, which, under the circumstances, I can scarcely expect it to be until it becomes one of some magnitude. I have &c.

(Signed) EDWARD JUDGE,
Master of the Grammar School.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or*
Officer administering the Government.

DOWNING STREET, LONDON, 5 March 1826.

MY LORD,—I transmit to your Excellency herewith enclosed an extract of a communication which has been received from the Board of Treasury covering a Report from the Commissioners of Colonial Audit together with an Abstract of Receipts and Expenditure on account of the Government Farms from 1814 to 1823.

It had already been in my intention, before this communication was received from the Treasury, to have called your Excellency's attention to the state of these farms ; for although I was aware that the Somerset farm had been discontinued for some time, yet I did not discover without surprize and regret that the expenditure of this Establishment had not been regularly brought under the cognizance of His Majesty's Government, an omission which is the more to be lamented as from the circumstance of the Accounts of these farms having been subjected to the Audit of the Colonial Authorities only, this branch of the economy of your Government remains unexplained.

Under these circumstances I should have felt no difficulty in conveying to you directions for discontinuing these Establishments altogether, if I were not led to infer from information which I have received from the Commissioners of Enquiry that this measure has already been accomplished.

If no arrangements however should have been made for that purpose, I have to express my desire that your Excellency will lose no time in reporting to me your opinion as to the most

convenient mode of disposing of this valuable public property. In the mean time I shall take this opportunity of observing with respect to the Groote Post farm that I cannot bring myself to believe that this Establishment has been kept up for the purpose mentioned by the Commissioners of Audit. I have &c.

(Signed) BATHURST.

[Copy.]

Proclamation by MAJOR-GENERAL RICHARD BOURKE.

By His Honor Major-General Richard Bourke, C.B., Lieutenant-Governor in and over the Settlements at the Cape of Good Hope, and Commanding the Forces.

His Excellency the Governor having obtained leave of absence from His Majesty, for the purpose of proceeding to England, and having embarked this day on board the Honorable Company's Ship *Atlas*, His Honor the Lieutenant-Governor will, under His Majesty's Commission, administer the Government of this Colony during His Excellency's absence.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of March, 1826.

(Signed) RICHARD BOURKE.

By Command of His Honor,

(Signed) R. PLASKET,
Secretary to Government

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 6th March 1826.

SIR,—I am directed by Earl Bathurst to desire that you will transmit to his Lordship such information as you may be enabled to collect respecting an individual named George Wanner Koch,

a native of the Canton of Schaffhausen in Switzerland, who was known some years ago to have established himself as a Butcher at the Cape of Good Hope, and, as is supposed, has died possessed of considerable property. The last accounts which his friends have received from him are dated 1810. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. F. CARLISLE to R. W. HAY, ESQRE.

BELMONT, 6th March 1826.

SIR,—May I beg to call your attention again to this subject of the Memorial of the British Settlers at the Cape of Good Hope. My reason for troubling you with the present communication arises from uncertainty as to whether you may not be awaiting a further application from me before you proceed on that subject. The last time I had the honor of an interview with Mr. Horton he informed me that nothing more could then be done, in consequence of which intimation I left town and have not yet returned. As a guide therefore to my doing so, may I presume to request, Sir, the favor of your informing me when Earl Bathurst will be at leisure to take the question into consideration, for should his Lordship be pleased to comply with the wishes of the Settlers by recommending their application to the favourable notice of His Majesty's Government, I have no doubt that many persons would now be glad to avail themselves of the opportunity of removing to one of His Majesty's Colonies.

If I am not trespassing too far, Sir, on your attention, I will take the liberty of saying a few words relative to the possibility of reimbursing His Majesty's Government for any sums which it may be thought advisable to advance for the purpose of transporting British labourers to the Cape of Good Hope. It will be, I fear, a most difficult matter to point out any mode by which such reimbursement could be effected on the part of the Settlers, or secured to the satisfaction of Government. In fact after the most mature consideration, I strongly regard it as being next to impracticable.

The rate of wages stated in the documents I have already laid before you being as high as the Settlers can possibly offer without precluding entirely the probability of profitable returns, it cannot be supposed that they are capable of anything more than the payment and maintenance of the Emigrants when landed in the Colony. Their funds being so reduced (by various causes, with the nature of which you are probably, Sir, in some measure already acquainted) as to render it extremely difficult for them to proceed in their undertaking. On the other hand if we are to look to the Labourers themselves for repayment, the subject appears involved in equal difficulty. Considering that the term for which it is proposed to indenture them is only three years (for I take it there can be no security after the term of indenture has expired), if an instalment amounting to one third of the expense incurred upon each individual should be deducted by the employer from the amount of wages due to the Labourer at the end of each year, the remaining sum would be considerably too trifling to induce people to leave this country, whatever might be the distress of their circumstances, or whatever representations were made to them of the advantages they would reap after their term of servitude was expired from the encouragement held out by the Colony to the labouring population in general. Even this method will apply merely to that portion of the Emigrants who are to receive wages, and not to apprentices who are to receive clothing only, consequently, if feasible, would be by no means complete. Again were this or any similar one adopted, a difficulty would arise respecting the security for the money advanced, and as the only apparent and tangible person would be the individual who conducts the emigration, it appears to me that to become personally liable for the whole amount would be a responsibility by far too great for any individual to incur.

I have much more, Sir, to offer on the subject, but will not now further encroach upon your valuable time. But as I cannot set forth or elucidate any plan by which the desired object can be attained, my future applications must be appeals to the often-tried and never failing generosity of His Majesty's Government. I have &c.

(Signed) FRED. CARLISLE.

[Original.]

Memorial of THOMAS DAMANT, Captain in the West Norfolk Regiment of Militia.

To the Right Hon'ble the Earl of Bathurst, &c., &c., &c.

Your Memorialist having for many years suffered from acute rheumatism, was advised by many eminent medical men to try a warm climate, and consequently your Memorialist embarked for the Cape of Good Hope in February 1817, where he experienced considerable relief, and was induced to purchase a Place of 6,000 Acres for the purpose of growing Barley to distil, and having at a very great expence brought into cultivation near 200 Acres and provided all the requisites for Distilling which by an old law was prohibited (from Grain), consequently your Memorialist was obliged to sell the same at a very considerable loss. Your Memorialist received great attention from Lord Charles Somerset, and doubts not had he then applied he might have had a grant of land. Your Memorialist finding his health requires a warm climate is desirous of returning to the Cape, provided your Lordship will give him either a Civil or Military appointment or a grant of Land (called Loan Place), many of which are held by Dutchmen.

Having served twenty seven years in the Norfolk Regiment, he trusts he has some little claim as to a situation abroad. Relying on Your Lordship's philanthropy, your Memorialist as in duty bound will ever pray.

YELVERTON HOUSE, TAVISTOCK, *6th March*, 1826.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *7th March* 1826.

MY LORD,—In order that no misunderstanding may arise as to the rate at which the Lieutenant Governor is to draw Salary during your Excellency's absence from the Colony, I have to acquaint you that it is not proposed that Major General Bourke

should receive, so long as he shall administer your Excellency's Government any allowance whatever beyond that which with his present Salary may make up to him at the rate of £5000 per annum. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR GENERAL RICHARD BOURKE *to* EARL
BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *March 7th* 1826.

MY LORD,—I have the honor to inform Your Lordship that His Excellency Lord Charles Somerset having embarked for England on the 5th instant on board the Hon'ble E. I. Company's Ship *Atlas*, I have assumed the government of this Colony under the powers contained in my commission, and was sworn into Office yesterday before the Council. I enclose the Proclamation issued on this occasion.

The private Secretary of the Governor (who is paid by the Colony) being now in England, and Lord Charles Somerset having expressed a desire to continue that officer in employment there for some time longer, I have named one of my Aides de Camp to do the duty here, and informed Lord Charles Somerset that I should not make any appointment for six months. His Excellency however expressed his opinion that the Secretary was necessarily attached to his person and that the power of making an appointment for the time I should hold the Government was not in me. To this I have demurred both on principle and precedent. The private Secretary is necessarily appointed by the Officer under whom he acts, his duties being of a confidential nature, and the Secretary of a preceding Governor may not have the confidence of his Successor. Nor can it be expected that any officer about me should do the duty without salary. In 1819 Sir Rufane Donkin appointed his own Secretary two days after Lord Charles Somerset left the Colony. I purpose therefore to appoint mine at the time I have mentioned which I hope will meet with Your Lordship's approbation. I should

not now have troubled Your Lordship with this detail had not Lord Charles Somerset expressed his intention of laying the matter before Your Lordship on his arrival in England.

I may be allowed to add that in making the few other arrangements consequent in taking charge of this Government I have endeavoured to be as little burdensome to the Colony as possible. Your Lordship having determined that the pay of the Aide de Camp of the Lieut. Governor should be borne by the Colony, it necessarily followed that whilst the Governor (who is allowed two) and Lt. Governor were both present, there were three Colonial Aides de Camp to be paid from its revenues. I have arranged that during His Excellency's absence two only shall be chargeable. The Military Secretary and two Colonial Aides de Camp are at present the whole of my personal Staff, Lord Charles Somerset (as is usual in the case of General Officers quitting their commands on leave) retaining both his Military Aides de Camp.

I have established myself in this Government House part of which (the wings) has been lately rebuilt and is not yet fitted up in the interior, whilst the centre of the building and the offices are in a very bad state of repair. An estimate for their reparation including some improvements has I understand been sent home. It does not appear to me that any additions are required as the house is abundantly large; but the roof is reported as much injured, and the whole exterior and interior require fitting up being now in a very unsightly and discreditable state.

Into this House I am putting what furniture I can find the property of the Public, an inventory of which shall be forwarded in obedience to Your Lordship's orders of the 14th March 1823. I am sorry to say the furniture is very deficient in quantity and for the most part damaged and broken. It will be absolutely necessary that I should at my own expense make very considerable additions. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 8th March 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 19th of October last, enclosing a list of appointments which have been made to the Civil Establishments of your Government, and of encreases to the Salaries of existing Appointments, during the quarter ending the 30th September last.

I approve the arrangement which your Excellency has made for regulating the Establishment of the Library ; but I should be glad to know what sum you propose to allow that Institution for the purchase of Books.

The additional Constables in the Somerset and Albany Districts may no doubt be necessary ; although I can hardly admit that the mere application of the Local Magistrate is sufficient, without further enquiry, to justify an encrease of Establishment.

The arrangements which you have made for regulating the Printing Office appear to be satisfactory, and your Excellency has assigned good reasons for encreasing the Salaries of the two Assistants to the Colonial Paymaster.

I take it for granted that the encrease which you have sanctioned to the Salary of the Clerk at Simon's Town, has been made after due enquiry.

With respect to the encreased Salaries which have been allowed to the Superintendent and Gardener of the Government Gardens, I have no means of judging of the necessity for the first of these appointments ; and your Excellency has not stated the grounds upon which you have made the Salary of the Gardener equal to that of the Superintendent.

As you have not informed me what is the nature of the duties entrusted to the Overseer at Camp's Bay, I am totally unable to form any opinion as to the amount of Salary which should be allowed to that person. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 10 March 1826.

SIR,—Having laid before Earl Bathurst your letter of the 3rd instant I am directed by his Lordship to acquaint you that he can admit of no other form of Security for the repayment of one moiety of the expense which will be incurred for conveying the relations of the Settlers to the Cape than what shall be approved of by the Solicitor of the Treasury, and whenever you are finally prepared to deliver in the List of those Persons who may be desirous of accompanying you, and that consequently the expense of their conveyance can be accurately ascertained, his Lordship will request the Solicitor of the Treasury to receive any proposals which you may have to make with respect to the Security to be given by you for the repayment of one moiety of such expense within a limited period. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.

DOWNING STREET, LONDON, 11 March 1826.

SIR,—It has been stated to Lord Bathurst to be desirable, that in lieu of the Constantia Wine of former importations still reserved for His Majesty's Use, an equal quantity of the Wine lately received from the Cape should be delivered free of duty, I am directed by his Lordship to acquaint you that Eleven Casks of not less than sixteen Gallons each, of the Wine now at the Custom House addressed to Lord Bathurst, have accordingly been appropriated by his Lordship for the purpose before stated ; and I have to request that you will move the Lords Commissioners of the Treasury to give the necessary orders that the Wine sent round from Portsmouth in consequence of my letters

of the 26th December and 3rd January last (with the exception of the Eleven Casks above mentioned) may be delivered to Mr. James Lavell upon payment of the duties. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *March 13th 1826.*

MY LORD,—Having seen before I left England some account of the overflow wells which had been formed with great advantage at different places in the neighbourhood of London, under the direction of Mr. Worsencroft of Hammersmith, it struck me that his mode of discovering and raising water might be used beneficially in this Colony, and I fully intended applying to your Lordship for permission to take over a set of tools and if possible one of Worsencroft's men, to conduct some experiments here. On mentioning the subject to persons whom I thought to be well acquainted with the Colony, I was informed that the late Mr. Alexander had made an attempt of the sort, and without success. This information induced me to lay aside the intention of applying to your Lordship on the subject. I have found however since my arrival here that no regular experiment on the present system had ever been made in the Colony, and that when the Engineers have occasionally bored for water, and dug wells in the ordinary way, they have been very successful in procuring a good supply even in this year of remarkable drought.

As by Worsencroft's method of raising water, irrigation can be accomplished with much greater facility than by that now in common use, I think it very desirable that some experiments should be made on his system in different parts of this Colony. I have for this purpose to request that your Lordship will be pleased to grant permission to Mr. Courtenay to provide and send over a complete set of tools, the cost of which will not, I believe, exceed £100. I have written to Mr. Courtenay on the subject, and have also requested him to inquire of Worsen-

croft whether one of his men could be engaged to come over at a moderate expense, and to inform your Lordship of his reply, in the hope that you will sanction this additional expense if it shall not be found unreasonable.

I believe Sir Frederick Adam has now a man employed at Corfu in this way. But if it should not be possible to get a practised workman over, I doubt not but that the experiments can be well conducted under the direction of the Engineer Officers stationed here. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. BRENT, ESQRE.

COLONIAL OFFICE, 13 March 1826.

SIR,—I have to acquaint you that Lord Bathurst has given directions that in lieu of the Constantia Wine of former importations which has been reserved for His Majesty's Use Seven of the Casks lately arrived and now at the Custom House should be appropriated for the same purpose, together with a further number of four Casks, which will all be left at the Custom house to be delivered free of Duty. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. WM. WALKER to R. W. HAY, ESQRE.

196 STRAND, 13th March 1826.

SIR,—I beg to apologise for the liberty I take in addressing you upon a matter of little importance except as to my own interest, but the failure of every application thro' private channels induces me thus to intrude, and I hope your kindness may excuse it. In the year 1814 there was at the Cape of Good Hope an Institution called "The Bible and School Commission,"

I believe under the immediate sanction of Government, and of which the Revd. Mr. Hesse was Secretary. I was an agent for sending out to them in that year supplies of Books, on which transactions a balance of small amount indeed, tho' of consequence to me, yet remains unpaid, nor have my applications for a remittance made by me obtained the least attention. The Secretary I have reason to think has long left the Settlement, or the account would have been adjusted, but I presume the Institution may still exist, and the hope presented itself that if favoured with information or instruction from you how to proceed, I might still obtain payment of my balance, which it seems grievous to be deprived of by a public body, and of such a designation especially as that referred to. The honour of your reply so soon as your convenience will allow you to give directions for that purpose will be highly esteemed by, Sir, &c.

(Signed) WM. WALKER.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE OF GOOD HOPE, 14th March 1826.

MY LORD,—In transmitting to your Lordship the memorial of Dr. Barry we think it necessary to call your Lordship's attention to that passage in it, wherein he imputes to Sir Richard Plasket Chief Secretary to this Government a threat of dismissal from his office of Medical Inspector as well as a recommendation to that effect, in case he put into execution the intention he had declared, of submitting to us the documents connected with the Fiscal's inquiry. Dr. Barry proceeds to state that Sir Richard Plasket commenced a "correspondence which would appear in the Report of the Commissioners of Inquiry."

We feel it our duty therefore to inform your Lordship, that altho' we called upon Dr. Barry to afford us certain explanations of the conversation that had passed between Sir Richard Plasket and himself, we never authorized him to state, or gave him reason to believe, that it would form a part of our

report to your Lordship. A correspondence of a very unpleasant nature took place between ourselves and Sir Richard Plasket relative to the difference that we found to exist between his and Dr. Barry's recollection of the circumstances that gave rise to Sir Richard Plasket's expression, and as we were given to understand by the latter that he intended to make a communication of it to your Lordship, and as the explanations of both parties have appeared to us to leave the point in some degree of doubt, we have not thought it necessary to trouble your Lordship with any reference to it, more especially as the terms in which Sir Richard Plasket conducted his correspondence led to a suspension of the amicable intercourse that till then had subsisted between us. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

*Report of the Commissioners of Enquiry upon the case
of Dr. Barry.*

CAPE TOWN, CAPE OF GOOD HOPE, 14th March 1826.

MY LORD,—In pursuance of the intention that we had the honor of announcing to Your Lordship in our Despatch of the 17th December 1825, we proceed to submit to you our report upon the Memorial that we have been requested by Dr. Barry, the late Medical Inspector to transmit, wherein he complains of the manner in which he contends that he has been deprived of his Situation, and of the unfavorable imputations that have thus publicly been cast upon his professional character.

In performing this part of our duty, we shall confine ourselves to an examination of the reasons upon which this act whether of executive or legislative authority has been alleged to proceed, reserving to a future opportunity a reference to certain collateral but not unimportant matter involving our right of inquiry into the Communications that have passed upon this subject between His Excellency the Governor and the Chief Secretary to the Government.

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The Establishment of a Supreme Medical Superintendence at Cape Town took place in the year 1807, by virtue of a Proclamation issued under the authority of General Grey, that was subsequently confirmed and enlarged by a Proclamation of the Earl of Caledon in the same year, and by another issued by Lord Charles Somerset in the year 1823. The object of these Enactments was to prevent the future unauthorized intrusion of unskilful Practitioners, by prohibiting all Persons from practising any of the Branches of the Medical Profession except under license from the Governor for the time being, and by giving a power to the President and Six Members of a Medical Board to examine and report upon their certificates and qualifications. There was also given to this Board an authority to examine the state of Medicine imported and sold, and to condemn and destroy such as they might pronounce on inspection to be spoilt or unfit for use; a power to tax the charges made by Medical Practitioners, and with a view to raise the character of the Medical Profession, severe penalties were enacted against those Members of it who should practise without license, or should combine the sale of Medicine with the higher duties of prescribing. With a view to the information of the public the names of the Individuals who obtained Licenses to practise in each Branch were announced in a Government Order to the Public.

The Medical Board continued to exercise the functions assigned to it from the year 1807 to 1820, in the course of which period the number of Members was reduced to one in 1811, and subsequently by the death of another, in 1818, to the President alone, who continued to perform all the functions of the Committee until his death in the year 1821, when by virtue of a Government Advertisement issued under the authority of the Acting Governor Sir Rufane Donkin, it was declared that the Supreme Medical Committee was abolished, and it was ordered "that the duties formerly done by that Body were to be done by One Officer under the title of Colonial Medical Inspector." We find that the result was transmitted for Your Lordship's sanction under date 20th September 1821, accompanied with information from the Acting Governor that by combining the duties of the Medical Inspector with those of Director of the Vaccine Institution an annual saving would be made to the

Public of nearly 1800 Rixdollars, while the due performance of all the duties was secured that had formerly been done in a more complicated and more expensive manner.

On the resignation in March 1822 of the Gentleman who had thus been appointed to the Supreme Medical Superintendence, Dr. James Barry was named by Lord Charles Somerset to succeed him, with a Salary of 2,400 Rixdollars in addition to that of 1,200 Rixdollars which he received as Member of the Vaccine Institution, and 600 Rixdollars as Physician to the Governor's Household. Dr. Barry continued to perform the duties that appertained to the Situation, and as they were defined in the Proclamations before mentioned, but as no Journal of his Proceedings was kept by the Secretary, we have found it difficult to make any estimate of the practical advantages that may have been derived to the Public from the change that was made in the constitution of the Department subsequent to the year 1822. The sphere of his duties appears to have been extended by the Government, but at his own suggestion, to the superintendence of the Leper Institution, to which a Salary of 600 Rixdollars was attached, and at more recent periods to the occasional inspection of the Gaol and the Town Hospital, but for the performance of these duties he received no additional emoluments.

Except in the instances that have been officially assigned as the reasons for reviving the constitution of the Supreme Medical Committee, we have not been able to discover any well founded complaint of the manner in which the very invidious duties of the office have been executed by him. Inconvenience was felt by a Regulation that Dr. Barry had introduced, and by which the newly imported Medicine was opened and inspected at the Custom House, and upon proper representation being made to the Governor, it was remedied. An objection of a more serious nature was made however to the nature and extent of the Authority that was vested in the Medical Inspector as declared in the 6th Clause of the Proclamation dated March 1823, and as it would appear to have formed part of the grounds upon which the Council resolved to advise the Governor to replace the Department in the hands of a Committee or Board we shall here give a brief explanation of it.

A Memorial was addressed to the Governor in May 1824 by

the Merchant Importers of Medicine, who found themselves prohibited by the Clause before mentioned from selling any Drugs or even Patent Medicines by retail unless they had been previously submitted to the inspection of the Colonial Medical Inspector. The Memorialists stated that altho' they did not object to the examination of their imported Medicines before sale, yet they alleged that the placing in the hands of the Colonial Medical Inspector, however respectable that Individual might be, (the Memorialists disclaiming all intention of casting the least shadow of reflection) a power by which the property of the Importers might be destroyed on the "ipse dixit" of one Individual, and from whose decision there was no appeal, a power of condemning English Patent and Dutch Medicines, the component parts of which he might be wholly ignorant of, was an authority that might possibly become so dangerous that it would only require to be brought under His Excellency's consideration to meet an immediate remedy.

On a reference of this Memorial to the Colonial Medical Inspector, he declared it to be his intention in the event of any dispute arising upon the condition of Medicine imported to refer the question to a Board, or to permit the parties to name any Medical person or persons to attend the inspection. He also contended for the restriction on the retail of Patent and other Medicines to licensed Apothecaries. Upon a reference of the Memorial to the Chief Justice, he seems to have approved of the mode in which it was proposed to remedy the objectionable authority of the Medical Inspector, but contended that the restriction on the retail of Medicines was impracticable in the Country Districts. The Reply of the Governor to the Memorial did not meet the objection that was made to the Authority of the Inspector, or hint at the remedy that he had suggested, but the Memorialists were simply referred to a counter representation in favor of the restrictive Clause of the Proclamation, by the Apothecaries and Druggists, as furnishing all the grounds for rejecting their Memorial. It would appear therefore that altho' no authoritative supercession of the power of the Medical Inspector to condemn imported Medicine was declared, yet the necessity of providing some restriction upon it appears to have been admitted by the Inspector himself, and silently acquiesced in by the Governor. The objectionable clause in

the Law of March 1823 remained in this state virtually dispensed with, but not positively repealed, when in consequence of what appeared to the Governor to be an improper exercise of his other Functions by the Medical Inspector, he resolved to take the advice of the Council upon the expediency of divesting him of his powers and transferring them to a Medical Board consisting of a President and a certain number of Members.

It is necessary however to state to Your Lordship that the extent and nature of the authority exercised by the Medical Inspector was not the only reason that induced Lord Charles Somerset to submit this question to the opinion of the Members of Council. The Chief Secretary to Government had found reason it appears to make such representations to His Excellency the Governor of the necessity of re-establishing the Medical Committee, arising from the manner in which the late Medical Inspector had framed his official communications to the Government and to himself, and the "unsparing terms" of animadversion in which it is alleged that he had expressed himself respecting certain other Civil Officers of the Government that had compelled the Secretary to inform him that he should advise the Governor to resort to the re-establishment of a Medical Committee. As Dr. Barry had intimated in conversation with the Chief Secretary that some personal motive existed for his giving this advice, the Chief Secretary disavowed the imputation, and at the same time urged it as an additional motive for inducing the Governor to resort to the advice of the Council. Dr. Barry having received an official intimation of the Governor's intention to adopt this measure, he presented a Memorial to the Governor in Council praying to be heard upon the nature of the Complaints that had been urged against him. The prayer of the Memorial was rejected upon the ground that it was not consistent with the principle of the institution of the Council to hear Parties upon their own solicitation, but it was intimated that if explanation should appear to be requisite, a reference would be made to him.

Upon the perusal of the Documents submitted by the Governor, the Council declared it as their opinion "that the duties imposed by the several Proclamations of April and August 1807 and 25th September 1823, and that have subs-

quently devolved upon the Colonial Medical Inspector were of a nature and quality which it was not expedient to confide to any one Individual, and that the Council therefore perfectly agreed with His Excellency the Governor in the propriety of his proposal to establish a Medical Committee, and having expressed their opinion upon the subject they refrained from commenting upon the tone and temper adopted by Dr. Barry in his official correspondence." The Papers submitted to the Council, and in which the correspondence was found, had reference to two points of Dr. Barry's official duties: the examination of the Certificates of Medical Instruction that had been presented by a young person, a native of the Cape, who was desirous of being admitted to practise as an Apothecary, and the state of a suffering Prisoner, whom upon one of his visits he found in the Gaol.

The authority that the Medical Inspector exercised in the former case was derived from the 1st and 2nd clauses of the Proclamation of September 1823 in which it is declared that no person should be allowed to practise as a Physician, Surgeon, and Apothecary without a license previously obtained from the Governor; the second clause declares that such license shall be granted in no case of Surgeons, Apothecaries, &c. unless upon the production of such Certificates "as are usually required for those Arts," the same being subject to the examination of the Colonial Medical Inspector for the time being, under a penalty of 1,000 Rixdollars for the first offence, 1,000 Rixdollars for the second, and a further incapacitation to practise in the Colony.

A Memorial that had been presented to the Governor for a license was referred by the Acting Colonial Secretary to the Medical Inspector, with a request that he would examine Mr. Liesching as to his qualifications and report thereon for his Excellency's information. The Medical Inspector in an answer dated 10th August 1824 reported that "as Mr. Liesching had not had any professional education, consequently no regular Documents, it became impossible for him to recommend him to be allowed to practise as an Apothecary Chemist and Druggist." An answer therefore was returned from the Colonial Government to Mr. Liesching informing him that in consequence of the report of the Medical Inspector upon his Memorial, it was

impossible for the Governor to recommend him to be allowed to practise.

By the subsequent Documents it appears that the Governor was led to entertain some doubts respecting the validity of the reasons that had been given by Dr. Barry for refusing to examine the qualifications of Mr. Liesching to practise, and also upon the nature of the Certificates, upon the examination of which by the Medical Inspector the 3rd clause of the Proclamation expressly provides that Licenses shall alone be granted. Upon a reference of this point to the Chief Justice and to His Majesty's Fiscal, His Excellency the Governor was advised that the term "usual Certificates" contained in the clause before alluded to, meant such Certificates as had been usually exhibited by Applicants for Licenses at the Cape of Good Hope, and in support of this position they made reference to Certificates upon which three persons had been recently licensed, and which they contended were similar to those presented by Mr. Liesching, and that the circumstance of their having been given in Europe constituted no just ground of difference, or reason for denying the privilege to Mr. Liesching provided that upon examination he was found to be qualified and sufficiently instructed in his Art.

One of these opinions (that of the Chief Justice) having been submitted to the Medical Inspector, he denied his authority upon any question that involved the sufficiency of a Certificate of Medical Instruction, and insisted that the Cape of Good Hope was not a School for Medicine, and that it afforded no means of acquiring instruction in any Science, and altho' he did not differ in his construction respecting the term "usual Certificates," yet he asserted that no instance had occurred in this Colony subsequent to the Proclamations issued in the year 1807, in which any individual had been admitted to practise in any of the Branches of the Medical Profession, without having been regularly educated or having passed an examination in some part of Europe.

The Governor adopted the opinion given by the Chief Justice and the Fiscal, relative to the legality of the Certificate produced by Mr. Liesching, and directed the Medical Inspector to nominate a Board consisting of two Medical Gentlemen and himself to examine Mr. Liesching relative to his qualifications

to practise as an Apothecary. Dr. Barry declined assisting in this duty in a letter that we do not find amongst the Papers that were submitted to the Council, but summoned three Gentlemen consisting of a Surgeon of the Royal Navy and two eminent Apothecaries, who gave it as their opinion "that the certificate produced by Mr. Liesching by no means entitled him to an examination or to practise as an Apothecary Chemist and Druggist, as *all* Certificates on which Licenses had been hitherto granted had been obtained from some College or constituted Authority in Europe."

Out of deference to the objection that was expressed by the Medical Inspector to examine Mr. Liesching, the Governor ordered a Medical Board to assemble for that purpose consisting of the Physician to the Forces, the Surgeon, and Apothecary to the Forces, who after examining Mr. Liesching reported that they "found him fully competent and qualified for carrying on the business of an Apothecary Chemist and Druggist." Upon this Certificate Mr. Liesching received a license to practise those arts.

The second point that was referred to the Council, so far as we are able to collect from the Papers submitted to it, arose out of the correspondence that passed between the Chief Secretary and the Medical Inspector in consequence of a Report made by him on the state of a Prisoner whom he had been directed to visit and examine in consequence of a request made by His Majesty's Fiscal (who at that time had the control of the Town Prison) for permission to remove him to the Somerset Hospital on account of derangement of mind. The Fiscal enclosed to the Chief Secretary to Government at the same time a certificate of the Medical Attendant of the Gaol in support of his application, and in which it was stated that the man was deranged. After the lapse of a week from the date of this Report, and on the day after he received the direction from the Chief Secretary to Government, Dr. Barry proceeded to the Gaol, examined the Individual in question, and pronounced "that he was perfectly sane, and by no means a subject for the Somerset Hospital." He also added that "Dr. Liesching appeared to be of the same way of thinking, but that probably His Majesty's Fiscal's application for the man's admission into that Establishment had been in the spirit of pure charity for

the benevolent purpose of having the wounds upon this poor man by the Denaar (on the day of his admission into the Tronk) professionally attended to."

In the course of a few days after this visit, when Dr. Barry had reason to conclude that the man was discharged from the Prison, a Report of the Medical Attendant of the Gaol was sent to him by the Chief Secretary, in which it was stated that the same Prisoner was "raving mad," and Dr. Barry was again directed to examine and report upon his case, but without any notice being at that time taken of the improper terms in which he had expressed himself relative to the Fiscal.

Dr. Barry expressed his surprise that he had not been made acquainted with the change that was said to have taken place in the Prisoner since his former visit to the Gaol, and the treatment he had received, and added that as he was ill and weak, and partially deranged, he should be sent to the Somerset Hospital. Previous to this occurrence, the first Report of Dr. Barry, containing the allusion that we have already quoted to the motives of His Majesty's Fiscal in applying for permission to remove the Prisoner to the Somerset Hospital had been transmitted in original by the Chief Secretary to that Officer, calling his most serious attention to it, and expressing the desire of the Governor that a strict inquiry and investigation should be made into the whole of what was termed "an apparently disgraceful business."

The Fiscal instituted a judicial investigation before the Sitting Commissioner of the Court of Justice, who sent a Summons to Dr. Barry to attend as a witness. Considering that he was responsible to the Governor alone for the manner in which he discharged the Duties of his Office, he treated the Summons of the Court with a contempt, for which he was made responsible. He appeared however on a repetition of the Summons and protested against being called upon to give any evidence respecting matters upon which he had been required by the Colonial Government to make a Report. This objection was overruled by the Commissioner, who issued an order for the civil imprisonment of Dr. Barry, which upon representation to the Governor was superseded, but in consequence of the result of the investigation, and the observations in which Dr. Barry had indulged in the course of this Correspondence, he

received a letter from the Chief Secretary to Government, informing him that "the contents of his last letter and other circumstances that had lately passed with reference to his duties as Colonial Medical Inspector had impressed the Governor with the impropriety of any one Individual being entrusted with the sole management and control of the Colonial Medical Department, and had therefore felt it necessary to propose to Council that the duties of that Department should thenceforth be carried on by a Committee."

The Council having concurred in the Governor's views upon this subject, an inferior situation at the new Board was offered to Dr. Barry, who in declining it had already stated in respectful terms to the Governor that he could not reconcile it to his feelings to accept of any subordinate place at the Medical Board. This letter was dated on the 29th October, and on the 1st of November Placards were posted up in the usual places of public advertisement, entitled "Government Minute," in which it was stated that His Excellency the Governor had been pleased to abolish the Office of Colonial Medical Inspector, and to re-establish the Supreme Medical Committee.

The circumstances that we have here detailed comprise all the Official information upon which the opinions of the Members of Council were formed, and we will now beg leave to offer only such further observations as will enable Your Lordship to form a judgement of the measure itself as well as of the proceedings of which Dr. Barry has complained. In adverting to the reasons alleged by him for rejecting the Certificates exhibited by Mr. C. Liesching, and for declining to examine him, we must do him the justice to express our firm belief that they were of a very conscientious nature, and that they proceeded from a wish to preserve inviolate a rule of admission that the usage of 20 years had in his opinion established, and that was sanctioned, or at least was intended to be sanctioned, by the Proclamation of 1823. It was there declared that the Certificates, upon the production of which alone Individuals were to be admitted to practise the Arts of Surgeon and Apothecary, "were such as are usually required for those Arts."

We think that it is to be regretted that a Law that professed to define the conditions upon which an Art so beneficial or so prejudicial to the Community as that of an Apothecary was to

be exercised, should have been expressed in terms that seem to admit of various, or at least doubtful interpretation. It was well known that many of the Certificates upon which Licenses had been granted previous to 1823, were procured in different parts of Europe, as well as in England, in most of which the proof of Instruction required in Medical Candidates differed, and that consequently what was usual in one place was not required in another. In England, and since the passing of the Act of 55 George III, Cap. 194, Candidates are required to produce Certificates of "sufficient Medical Education" and are also subject to examination, and it also appears that the same proof that was until lately required of attendance upon Lectures would now be rejected. Dr. Barry however seemed principally to rely upon the local usage, subsequent to the reforms that were introduced by General Grey in 1807, and altho' the deficiency already noticed in the Records of his Department prevented us from accurately ascertaining what the nature of this usage had been, yet we think that we are justified in concluding that no person had been permitted to practise the art of an Apothecary in this Colony subsequent to the year 1807, without producing a Certificate of having served a term of Apprenticeship, and of having acquired a competent knowledge of the Sciences of Botany and Pharmaceutical Chemistry. We certainly observe that the Medical Board who were nominated to examine Mr. Liesching thought proper under the direction of Dr. Barry to confine their inquiry to the sufficiency of the Certificates that he exhibited compared with those upon which former Licenses had been granted, but upon questioning the Members as to their means of knowledge, we find that they depended upon the information communicated to them by Dr. Barry. The opinion that they have given, however conscientious, is therefore not entitled to greater weight or credit than the reference that Dr. Barry himself has made to the local usage of the Colony.

The Certificate produced by Mr. Liesching was signed by his Father, who was permitted rather than licensed by Governor Sir George Yonge to establish himself as an Apothecary in the year 1800, and has continued to practise both in that capacity and as a Physician ever since, altho' in opposition to the spirit of the Regulations of 1807. This Gentleman certified that his

son had duly served his apprenticeship with him for five years, and that after that period he had entered into Partnership with him, and during five years had superintended the whole of the Concern and had been acting Partner. It is also certified that "he conducted himself in a manner becoming a faithful Apprentice, and rendered himself so far capable that his abilities in the Branches of Apothecary, Chemist and Druggist entitled him to full confidence."

Upon inquiry into the circumstances of Mr. Liesching's apprenticeship, we find that no Contract had been considered necessary between the Father and the Son, and what was more material, that the Father was prevented by his avocation as a practising Physician from giving that attention to the business of Pharmacy and preparation of Medicine that the relation of Master and Apprentice implies. It appears that the business was chiefly conducted by Assistants who had been sent for by Dr. Liesching either from Holland or Germany and had brought with them Certificates of service with established Apothecaries, as well as competent attainments in the different branches of Medical Botany and Chemistry. It was from these persons that Mr. Liesching Junior obtained his knowledge of the art of preparing Medicine, and we think therefore that the Certificate was so far defective that it attested the existence of a relation, for the continuance of which there was no other legal obligation than that which was derived from the authority of the Parent over his Son, and for the constitution of which there existed an actual if not a legal incompetence in the Father.

Dr. Liesching had never been a Chemist or Druggist, and his License as Apothecary was given on account of a mere local and temporary ground of expediency.

Referring to the Documents that were laid before the Council upon this part of Dr. Barry's conduct in the rejection of Mr. Liesching, and the complaints that we have ascertained to be in possession of the Governor or the Chief Secretary upon the same subject, we think that they furnished objection rather to the nature and quality of the duties assigned to the Medical Inspector than to the style and tone of his correspondence, and although the latter was in some respects very objectionable, we know that Dr. Barry was confirmed in the legal construction that he put upon the terms of the 3rd clause of the Proclamation,

by authority at least as competent as that of the learned persons to whose opinions the Government had appealed. He was also confirmed in the opinion that he could not be legally called upon to examine any Applicant for a License to practise as an Apothecary whose Certificates he did not consider "usual" or such as were usually required, and altho' we find that some of his letters were written in a tone of unbecoming warmth, and that his manner of treating the pretensions of Mr. Liesching was such as to raise some suspicion of the impartiality of his judgement, yet we are much disposed to believe that these feelings had been excited by the indiscreet and discreditable solicitations that had been used by the friends of that person to induce him to sacrifice his opinion and his sense of public duty to the interest of an Individual.

Upon the general question we must express our concurrence in the opinion of the Governor and Council, that the power of determining upon the validity of the Certificates presented by Applicants for Medical Licenses, that of examining and deciding upon their qualifications, and lastly that of deciding definitively upon the quality and condition of imported Medicine, ought not to be vested in one person.

In the second point that was submitted to the consideration of the Council, we find that the evidence upon which their opinion was to be formed was more full and explicit than in the preceding case. It consisted chiefly of the testimony that Dr. Barry himself had furnished of the manner in which he discharged the higher functions of his Department, and of the spirit and temper in which he conducted the investigations with which he was charged, and the means that he afforded to the Government of making proper dispositions of the persons of Lunatics who happened to be confined in the Gaol.

The principal Document upon which this question arises is the Report that Dr. Barry made to the Chief Secretary of Government on the state of a person named Aaron Smith. It is there stated by him that the man was perfectly sane in mind, but that he had laboured under temporary insanity, the effects of hard drinking, in which state he was committed to the Town Prison, and upon which occasion the Denaar had exercised his brutality to the horror and dismay of many of the Prisoners, who loudly exclaimed against it. He then

proceeds to state that "it is by no means an uncommon event to find Prisoners beat in the most savage manner by these good people the Dienaars." Dr. Barry appeared to have received this account from the prisoners whom he saw in the Gaol when he visited Smith. From the investigation that subsequently took place before the Sitting Commissioner, it appears that the man had made his way into the Fiscal's house in Cape Town and conducted himself in a manner that evidently shewed his mind was deranged. He was subsequently ordered to provisional confinement in the Gaol, from whence he attempted to escape, and had forced a Wooden Wicket that crosses a passage and was approaching the outer door when he was stopped by a Constable or Dienaar, and in a struggle that took place between them he received several blows upon the wrist from the Baton or Staff with which the Constables are provided. In the evidence of one Witness we observe that he was not only beaten but dragged along the Prison to a Cell in a violent and improper manner. In the space of two days he was reported to be deranged, but in seven days afterwards was again in a tranquil state, and in the short period of a fortnight his fits of insanity again returned, and he was removed to the Somerset Hospital, where he is still detained, and is subject to occasional returns of his Malady.

From these circumstances we do not think that Dr. Barry was warranted in the first opinion that he gave of the man's sanity, or in the representation that he made of the severity with which he had been treated. His examination of the facts was of a very superficial kind, and although we are well aware that the conduct of the Dienaars and Constables towards the Prisoners even out of the Prison would justify the epithets that he has applied to them, yet in reporting upon the state of an Individual who had certainly been deranged previous to his confinement in the Gaol and had brought with him the marks of former bruises and contusions, he should not have been so ready to impute to the Constables those consequences that in fairness were partly imputable to the man's antecedent habits and condition.

Dr. Barry has submitted to Your Lordship that it was his bounden duty to the Public to make those remarks upon the treatment of the Prisoners. It was doubtless his duty to have

called the attention of the Colonial Government to the state of the Public Gaol; and we are informed that in the Interview with the Governor and the Secretary to Government he had solicited their personal inspection of the state of the Gaol as well as of the Town Hospital. We have reason to think that he would have been more successful in his applications for a correction of the abuses of which he complained and which we believe to have generally existed, if his representations both written and verbal had not been mixed up with reflections upon the motives of Individuals that led the Government to doubt whether his object was not rather to expose their conduct than to point out the errors of the system that they conducted. The Government had so far yielded to Dr. Barry's representations upon the state of the Gaol as well as the Town Hospital as to appoint Committees of which he himself was a member to examine into and report upon both Establishments. Benefit has already been derived from the result of their first report, and we regret that any circumstances should have occurred to delay the second, but we are certainly of opinion that if the official communications that Dr. Barry made to Government had been of a more temperate nature less difficulty and delay would have occurred in applying the proper remedies and the view that we see has been taken by the Chief Secretary to Government of the deficiency of accommodation in the Gaol would in all probability have yielded to the more material observations of the Committee. The most objectionable passage however that occurs in the document already alluded to is that which imputes the official communication made by His Majesty's Fiscal to the Colonial Government for permission to remove Aaron Smith from the Prison to the Hospital, to an endeavour to screen the delinquency and cruel conduct of the Dienaars and Constables of the Gaol, who as we have already observed are placed under his orders and control. The appointment of these persons rests with the Fiscal, and from the small Salaries they receive they are more numerous and less respectable than their duties require. This is a defect which the Fiscal has acknowledged, and which it is not in his power to remedy. We therefore are led to consider that the ironical and contemptuous expression in which Dr. Barry reflects upon the Fiscal's motives was one that deserved the severest repro-

bation, but we are at the same time compelled to observe that the transmission of it in original from the office of the Chief Secretary to the Fiscal was not justified by any necessity and could only tend to irritate the feelings of that Gentleman against Dr. Barry.

We do not find that any other communication was made to the Council of Dr. Barry's official correspondence or of the embarrassment that he occasioned to the Government than the information contained in the letters of the Governor, in which the circumstances that had lately taken place and that had been related by Sir Richard Plasket were mentioned as the reasons that induced the Governor to take the opinion of the Council. We are aware that in the course of our own conversations with Sir Richard Plasket he had often expressed his sense of that embarrassment, and in giving Dr. Barry credit for the purity of his intentions, and for great professional zeal and talents, had regretted to find that even in his official intercourse with the Highest Persons in the Government he was quite unmindful of the respect that he owed to their rank and station. He appears indeed to have warned Dr. Barry of the consequences of persisting in such a line of conduct and intimated that it would be necessary to form a Committee for the purpose of exercising the powers and authority of the Medical Inspectorship. We believe however that it was upon the evidence that we have recapitulated that the Members of the Council who were present at the deliberation resolved to advise the Governor that the nature and qualities of the office of Medical Inspector required that they should not be confided to any one Individual, and although their reason for giving this advice seemed to proceed from the view they had taken of the great authority that had been conferred upon the Medical Inspector abstracted from the possible or real abuse of it in his hands, yet it is evident from the manner in which they glanced at the tone and temper of his official correspondence that they contemplated the consequences that must ensue to Dr. Barry from the declaration of their opinion upon the principal point, and seemed to expect that if the latter were acted upon he would be effectually precluded from occasioning any future embarrassment to the Government. With this impression on our minds we cannot help remarking that the evidence that was

submitted to the Council was insufficient, and that to have enabled them to take a correct view of the evils that had arisen from an intemperate or indiscreet exercise of authority in the Medical Inspector it was incumbent upon them to have examined the state of his Department and to have considered whether the want of temper and discretion with which he was charged was not in some measure palliated or counterbalanced by his integrity and zeal in the exertions he had made to bring about the reform of abuses. It would also have been perfectly consistent with the ordinary rules of justice and not repugnant to the principles upon which the Council was formed to have acceded to the wish that was expressed by Dr. Barry for an opportunity of explaining himself on the points that were submitted to their judgment.

The Council in reply to our application for the documents that were laid before them have thought proper to inform us that "the late change that was made in the mode of carrying into effect the laws of the Colony relative to the Medical Department was merely an executive measure and not a legislative act, as those laws have not been touched in any way, and that the measure was submitted by His Excellency the Governor to Council not as an act strictly requiring their deliberation according to the constitution of the Council but as one on which he was anxious to obtain their opinion and advice." The Council further state that "the late Colonial Medical Inspector was not removed from the Colonial Medical Department, but appointed to a seat at the Board established to conduct in future the duties attached to it."

It certainly appears that the previous alteration that had been made in the Department of Medical Superintendence was declared and carried into effect by a very short memorandum or minute, and at a period in which the Acting Governor was not assisted by a Council. The execution of the measure involved neither the interest nor the professional reputation of any Individual, and as the duties of the office had for the space of four years preceding the change been conducted by one person, and without complaint, the transfer of the same authority to his Successor seemed to be the natural and intelligible result of such experience. In the present instance however the circumstances were very different. It is stated

by Dr. Barry that at the period of his appointment to the office of Medical Inspector an understanding prevailed in consequence of a communication made to him by the Colonial Secretary "that it was to be permanent." Lord Charles Somerset has disavowed having given any authority for such an understanding, but we have reason to believe that Dr. Barry was much solicited to undertake the duties and the salary of two thousand four hundred rixdollars that had been abolished by the acting Governor was restored and enjoyed by him.

It further appears to us from the perusal of the correspondence that has passed through his office that no exertion professional or personal had been spared by him to render his services useful to the Community. His official intercourse with the former Chief Secretary and Deputy Colonial Secretary had been conducted in a very amicable manner, and his professional talents and reputation were universally acknowledged, and by no person more emphatically than by Lord Charles Somerset and the Members of his Family.

Independently of these considerations the Council must have learnt from the papers before them and must have been conscious that they were deliberating upon the policy of reversing a measure that on the one hand had received the approbation of two Governors of the Colony and on the other had been described by a respectable portion of the Inhabitants at a very recent period as "replete with danger to their interests." The very point at issue, namely whether the property of those Merchants who imported Medicine into the Colony, or the professional prospects of those who had studied the practice of it should be confided to the judgment of one person or of many, was one which could not be lightly disposed of or without some general inquiry into past transactions either from the persons affected by them or from the Inspector himself who had solicited to be heard. It also involved considerations which viewed either abstractedly or in their practical effects were as much deserving of legislative deliberation as any questions that have been submitted to the Council since its first formation. When compared indeed with another measure that was deemed worthy of the legislative sanction, in the proclamation authorizing a transfer from the Fiscal to a Superintendent of Police

of several duties that had appertained to the former, and for a long period had been performed by the latter under the name of the "Deputy Fiscal" and that seemed to be a matter of mere official regulation, the measure in question was of far greater practical importance.

The Council have remarked that Dr. Barry was not removed from the Colonial Medical Department, but appointed to a seat at the Board established to conduct in future the duties attached to it. To this observation we have only to reply that no practical difference exists between the acts of removing an Individual from an office, or of abolishing that office and its emoluments and then offering a subordinate one without emolument which he could not accept without a tacit admission of his inferiority or misconduct. Upon this part of the subject it is necessary for us to remark that the letter which Dr. Barry addressed to Lord Charles Somerset immediately after he had been made acquainted by Sir Richard Plasket with the intention of the Government to form a Medical Board and to offer him a subordinate situation in it, and in which event taking place he tendered to his Lordship the resignation of all the civil offices that he held, was not laid before the Council. The reply of his Lordship to this letter is to be found amongst the documents submitted to them, but probably from a wish that Dr. Barry would reconsider his act of resignation of the civil offices held by him no notice whatever was taken of it, and the Council had no opportunity of knowing at the period of their deliberation what the constitution of the new Medical Board was to be, of whom it was to be composed, or what rank was to be given to Dr. Barry, or if any or what emolument was to be assigned to him or to the other Members of the projected Board. Under these circumstances we should not have considered that these matters had ever entered into their contemplation whatever our own views might have been of their importance if in answering our request for a communication of the documents upon which the removal of the late Medical Inspector was resolved, the Council had not thought fit to enter upon the explanation before alluded to and thus to connect themselves with a measure which in another place they have considered to be one of mere executive authority. There exists however sufficient reason to conclude that the latter part of the arrange-

ment was exclusively an act of the Executive Government. It has been stated by the Council in the conclusion of their remark already quoted and by Lord Charles Somerset himself in addressing your Lordship that the late Colonial Medical Inspector's rank in the Army precluded the possibility of retaining him as President without depriving the Public of the advantage of the services of Gentlemen of the highest professional reputation in the Colony, who were senior to him in the Military Department, altho' not so as Members of the Faculty. We will not in this place discuss the expediency of committing all the various duties of medical superintendence to a Board the members of which have their own particular duties to attend to and one of whom from the circumstance of his being a Partner in a large Pharmacy and medical attendant at the Gaol, would naturally become the subject of that very superintendence. It is a matter of great difficulty in so small a community as that of Cape Town to select persons who in all the essential requisites of professional eminence and experience, discretion and disinterestedness, shall be competent to the discharge of the duties of a vigilant medical superintendence. This difficulty could not we think have been overlooked by the Executive Government when the Establishment of a Medical Board was first proposed, nor could the improbability of Dr. Barry being induced to take any subordinate situation in it be forgotten. In point of fact his resignation of all the civil offices was known to Lord Charles Somerset and the Chief Secretary to Government before the Council was requested to deliberate upon the proposed change in his Department, and we cannot avoid remarking that it was a circumstance of which the Council ought to have been explicit'y informed. We are far from denying the advantage of including in the Medical Board the respectable Officers to whom in consequence of their military rank precedence was given over Dr. Barry and who could not probably have been prevailed upon to accept any situation in it that would have placed them below him. We submit to your Lordship however that this difficulty was one that was created by the Governor, and should have been foreseen by him when he appointed Dr. Barry to the Medical Inspectorship in the year 1822, and that unless he was prepared to state that Dr. Barry's conduct in that office had been such

as to render it necessary that he should be dismissed, we think that such arrangements should have been made in the constitution of the new Board as he might have been able to accept without a tarnish of his professional reputation or a positive loss of income. If the question had turned upon the fitness of Dr. Barry to discharge the duties of a situation that required the exercise of sound discretion and good judgment rather than the active application of professional talents of the highest order, or if it had been confined to the consideration of the embarrassment that he occasioned to the Government by the indiscreet or intemperate language of his official communications, we certainly should consider that unfavorable inferences were to be drawn from some of the documents exhibited to the Council. If the removal of Dr. Barry however was the object, it would have become the Government to have paused before it resorted to a measure that was in its operation more severe and galling to his feelings than that of positive dismissal, or if a change in the constitution of the Department was considered necessary, to have endeavoured to make an arrangement that would have remedied the objection to the nature and quality of his duties by associating others in the performance of them and thus to have distributed them in a manner to have provided against the evils of hasty and inconsiderate judgments. This we conceive might have been accomplished by leaving Dr. Barry in the possession of his executive office of Inspector by which to have insured that prompt and vigilant superintendence which is necessary for the detection of abuses, but in all matters requiring deliberation to have referred to a Board whose sanction would be necessary to give effect to any measure for the correction of such abuses as might be reported by the Inspector and substantiated. Such a Board consisting of the principal Medical officers and practitioners in the Colony might have been appointed to act as Referees in deciding upon the qualifications of new Candidates, or the sufficiency of the certificates produced by them. They might have been empowered to decide upon any objections made by the Owners or Importers of Medicine to condemnations of the Inspector declaring it to be spoiled or unfit for use, and on the discovery by the Inspector of any abuses or unlawful practices either in the public Establishments or by Practitioners, to have taken cognizance of

them and to have transmitted their report with the previous information of the Inspector for the consideration and orders of the Government.

We think that the Physician, Surgeon and Apothecary to the Forces might constitute such a Board, and that those Officers would not feel that these duties which are of a deliberative or rather appellate nature imposed an undue labour upon them. The whole duties performed by the Inspector however at present devolve upon a Board who are appointed to discharge them gratuitously, altho' the former Board were duly paid for the services they were required to render. The Secretary might remain attached to the Medical Board and the Inspector might have the option of being present at their deliberations.

We concur in the opinion that Dr. Barry has often expressed that the Inspector ought to abstain from deriving any emolument from private practice, but such a restriction would not necessarily apply to the Members of the Medical Board when relieved from the performance of his executive duties.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* MAJOR GENERAL
BOURKE.

CAPE TOWN, 14th March 1826.

SIR,—In pursuance of the disposition that we have already taken occasion to express, to communicate to your Honor such information as we find to be consistent with our Instructions, we beg leave to apprize you that in the months of October and January last we had the honor to transmit to His Excellency Lord Charles Somerset the views we have been led to form upon the subject of practicable reductions in the Establishments of the Colony. As we were deeply impressed with the propriety of anticipating all public discussions upon it in the Colony and of preventing the communication of it to any other quarter

than His Majesty's Secretary of State or his two Under Secretaries, our letter was transmitted to His Excellency under the strictest pledge of confidence and secrecy.

His Lordship requested to delay his answer until the arrival of your Honor, and we have had the satisfaction of receiving a reply from His Excellency a few days previous to his departure containing observations upon the suggestions we had offered, which we deem equally entitled to your Honor's consideration.

In the event therefore of these documents not being accessible to you at present we shall be ready to furnish you with copies of them under the same pledges of secrecy under which the originals were communicated to Lord Charles Somerset.

When addressing your Honor upon this subject we take the liberty of requesting you to inform us whether any arrangement has been made for the performance of the duties of Private Secretary in the continued absence of the last person appointed to that office. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to the COMMISSIONERS OF
ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, *March 15th 1826.*

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of yesterday's date, and in reply beg leave to inform you that I am not altogether unaware of the nature of some of the reductions and changes proposed by His Majesty's Commissioners of Enquiry, Lord Charles Somerset having consulted me (his reply to you having intimated such intention) upon some of the details contained in his answer to your letter of January last. As however I am not very conversant with the proposed arrangements, I will gladly avail myself of your offer to furnish me with copies of the documents relating to them, to the consideration of which I will give my best attention, assuring you that I shall be most happy to assist in every way the important objects of your Inquiry.

With respect to the performance of the duties of Private Secretary, I have for the present directed my Aide-de-Camp Lieutenant Coote to discharge them. Lord Charles Somerset having sent home Lieutenant Rutherford upon particular duty and representing how much he should require his services in England, I agreed to postpone the appointment of another person to the office for six months after His Lordship's departure from the Colony.

I should add that Lord Charles Somerset was not satisfied with this arrangement, conceiving the private secretary of the Governor to be attached to his person, and intimated his intention of laying the case before Earl Bathurst. I therefore thought it right on my part to communicate the circumstance to Lord Bathurst and to announce my intention of making an appointment at the expiration of the six months.

I have &c.

(Signed) RICHD. BOURKE.

[Copy.]

Evidence given by MR. W. J. KLERCK to the COMMISSIONERS OF ENQUIRY.

15 March 1826.

How long have you held the situation of collector of tithes and transfer dues ?

Reply. Since the year 1815.

What other offices have you filled in the colony since the year 1806 ?

Reply. I was appointed a member of the Orphan Board since the year 1804, and I remained in that situation until I received my present appointment in the year 1815.

What salary do you receive, and has it been raised since you were first appointed collector of tithes ?

Reply. I received in the first instance Rds. 2,000 a year, and this salary was raised in 1822 to Rds. 3,000 a year.

What other situations do you hold ?

Reply. I am collector of the Gaugers Fund, without salary,

and superintendent of the farm at Buck Bay on Rds. 500 a year.

Under what authority are the tithes upon produce collected ?

Reply. I am not aware of the authority for this collection. There is an old tariff in my office, in conformity to which the collections have been made upon the articles of produce therein enumerated.

Has any alteration been made from time to time in this tariff, either in respect to the rates, or to the articles assessed ?

Reply. No alteration has been made to my knowledge, excepting in the assessment of a tithe upon flour and bread. The rates of assessment upon wine, brandy and grain have not varied in my time. There are various articles of produce that are brought to market that do not pay tithe to my office, but which are all assessed by the burgher senate.

In what manner are the collections made by you ?

Reply. The collecting clerk of my department occupies a small house at the market-gate, and stops every waggon as it enters, and ascertains the contents of it ; he immediately demands payment of the duty : he is aided by three assistants, each of whom receives Rds. 300 a year, and two of them reside with him in the market. An under-sheriff and two dienaars also attend to prevent disputes, and to support the collecting clerk.

What is the salary of the collecting clerk ?

Reply. Rds. 600 a year ; his house consists of two rooms and a kitchen.

Does the collecting clerk keep a book, and does he make a daily report to you of the amount collected by him ?

Reply. He sends me a daily report of the quantity of produce that has passed the market and paid duty, and he at the same time delivers to me the amount collected : he sends a similar report to the fiscal.

What check have you upon the report of the collecting clerk ?

Reply. I have no check upon the collecting clerk, but the market-master sends a daily report to the burgher senate of every thing that passes the market, and on which the tithe is assessed ; and the burgher senate make a daily report to the fiscal, and a monthly report to the auditor. These are the checks upon the returns from my department.

What is the average amount daily received and paid to you by the collecting clerk ?

Reply. In the winter months the collections are inconsiderable ; but in the summer time the collections in a day will amount to Rds. 900 or Rds. 1,200, and sometimes more.

Does the collecting clerk cause the produce to be weighed ?

Reply. He does not ; the articles paying tithe consist either in muids of grain or leaguers of wine and brandy, and the number of muids or leaguers in each waggon is counted. Biscuit and flour are the only exceptions, these are sent to the weighing-house to be weighed by the market-master, on whose certificate the farmer pays the duty to the collecting clerk. The produce assessed by the burgher senate is more generally weighed, such as butter, soap, dried fruits, elephants' teeth, feathers, and some others.

When was the tithe upon wheat and bread first assessed ?

Reply. It was ordered to be assessed in the year 1820, in consequence of the farmers selling their grain to the millers outside the town, and who brought the flour and bread into town without paying tithe.

Has the amount of this collection been considerable ?

Reply. It amounted in the last year to about Rds. 550.

Has the practice of the farmers to bring grain to the mills been checked by this assessment on flour and bread ?

Reply. It has been checked ; the wheat is carried out again to the mills by the bakers, who purchase the grain in town. In the winter they chiefly employ the water-mills above the town, and in the summer the wind-mills at Rondebosch and Salt River.

Do you ever attend the market yourself ?

Reply. Very seldom. If disputes arise respecting the payment of duties, the parties come to my office ; in case of other disputes they go to the fiscal.

Is the tithe collected on any colonial produce imported by sea ?

Reply. Not at my office.

Does the burgher senate assess the produce imported by sea ?

Reply. Not that I am aware of.

Has the importation of produce by sea led to any reduction in the quantity brought through the market by land ?

Reply. I am not aware that it has.

In what manner is the tithe collected at Simon's Town ?

Reply. It is received by a collecting clerk, who receives Rds. 300 a year, and who is stationed at the toll-gate.

What is the amount collected at Simon's Town ?

Reply. The largest amount collected at Simon's Town is about Rds. 80 a month, in the summer season ; and in the winter, six to eight rix-dollars a month, which is paid to the resident by the collecting clerk, and remitted to me every month. The assessment is only made upon produce taken directly to Simon's Town. The principal supplies go from Cape Town ; and a certificate is granted by me, on application, of the quantity allowed to pass this market as having paid duty.

Is any fee taken by you for these certificates ?

Reply. A skilling is the fee taken for each certificate granted in my office ; this certificate is carried by the waggoner to the collecting clerk in the market, who ascertains that the quantity is correct, and countersigns the certificate.

What is the amount of this collection in the year ?

Reply. About Rds. 50 in a year.

Are you aware if supplies to Simon's Town are often imported by sea ?

Reply. I believe that supplies are frequently sent round by sea from Cape Town.

Is the amount of tithes daily collected deposited in the bank ?

Reply. The amount of all monies received by me is lodged in the bank daily.

Under what authority do you levy the extra duty on wine and spirits, that appears in your return for 1824 ?

Reply. Under the proclamation of the 14th November 1823, for limiting the sale of wine and spirits. The extra duty on Cape wine is assessed by me under the 22nd clause of that proclamation, and the duty on foreign brandy under the 21st clause. The extra duty on rum is levied at the custom-house, and paid over to me by the collector of customs every three months, in pursuance of colonial secretary's letter, dated 1st April 1824. These extra duties are levied in pursuance of the proclamations of the 13th and 14th November 1823.

By whom are the collections of the extra duties on Cape wine and on French brandy made ?

Reply. The extra duty on Cape wine by the collecting clerk in the market, and the extra duty on French brandy by myself.

What checks are there upon these collections ?

Reply. The checks upon the collecting clerk in the market, are the reports that are made to the burgher senate and the fiscal. There is no check for the collection on French brandy ; and latterly, the applications at my office for permits to purchase French brandy for consumption have been very few, from which I infer that the duty is evaded by the consumers in town.

Can you state the reason that the extra duty on rum is paid over by the collector of customs to your office ?

Reply. I am not aware of the reason for it.

Have you any check upon this collection ?

Reply. I have not.

You formerly collected the revenue of the pagt ?

Reply. I did.

Are the arrears paid up ?

Reply. They are not paid up for the years 1821 and 1822. In the former year, the government accepted from Mr. Van Reenen the security of a mortgage bond, and his property has been sequestered to recover the arrears. In the year 1822, the Pachter Lolly failed, and there is a considerable sum which remains to be recovered by the sequestrator.

Has the revenue arising from the licences for retailing wine and spirits increased or diminished ?

Reply. Forty-five licences were sold by me in 1824, and thirty-four licences were sold in 1825.

To what do you attribute this reduction in the number of licences ?

Reply. It is attributable to the facilities in smuggling, and which is practised by the keepers of eating-houses, who are said to sell wine and spirits. The persons who have taken out licences have complained to me of the effects of this evasion of the law.

Are you aware if any informations have been lodged and prosecutions entered against smugglers and unlicensed retailers ?

Reply. I am inclined to think that informations have been lodged at the fiscal's office, but I have not heard of any prosecutions, except of one against Mr. Whiston.

By whom was the information lodged against Mr. Whiston ?

Reply. I believe by two licensed retailers.

Are the collections for the pagt on licences in the country districts remitted to you, or are those licences taken out from your office ?

Reply. The pagt for the district of Stellenbosch is sold annually in Cape Town by the committee, in which I am associated with the fiscal, the receiver-general, and receiver of land revenue. The pagts for Uitenhage and Albany are sold by public advertisement of the landdrost and heemraden, and the amount till the present year has been remitted to the colonial secretary, and paid over to me by order on the district agents. The pagt for the districts of Swellendam, George, Worcester and Graaff Reynet, has not been accounted for to me, nor do I know how they have been sold, as I have not seen any public advertisement. A recent order has been given for the revenue of the pagt, in the districts of Uitenhage and Albany, to remain in the district chests.

Has the amount remitted for the districts of Stellenbosch, Uitenhage and Albany been included by you in the general return under the head of wine licences ?

Reply. It has.

You do not know whether the amount collected in the other districts has been remitted to any other receiver of revenue ?

Reply. I am not aware.

Under what authority do you collect the transfer dues ?

Reply. Under the proclamation of the 2nd of January 1818.

Have you any instructions for the collection of these and other duties ?

Reply. I have no other instructions than are contained in my letter of appointment of the 6th of February 1815, and to which I beg to refer.

In what manner do you collect the transfer duties ?

Reply. The parties, when in Cape Town, attend at my office and make oath to the amount for which the estate is to be transferred, and the day of sale. They then pay the duty of four per cent on quit-rent and freehold estates, and two and a half per cent on the opstals of loan places, and take a certificate from me to enable them to complete the transfer in the Colonial Office.

When the sale has been effected four months previously to their appearing before you, do you exact the payment of double duties ?

Reply. I do.

The transfers that are effected in the country districts are made before the landdrost and heemraden ?

Reply. They are.

Are returns made to you of the number of these transfers and the amount of collections ?

Reply. Every six months a return is made to me from each district, and the amount collected is remitted to me by the landdrosts.

Is this done with regularity ?

Reply. The returns and remittances have been made regularly of late. At one time the transfers effected in Albany were not notified, nor the duties remitted ; but I am informed that the omission has recently been rectified by the former landdrost, who has transmitted his return, which is now with the auditor. I expect to receive the money in a few days.

Have you reason to believe that the duties have been punctually paid by parties who have effected transfers in the districts, or have any omissions been reported to you ?

Reply. No omissions have been reported to me, and I conclude that the duties have been punctually discharged.

Have you instituted any prosecutions for the recovery of transfer duties, pursuant to the proclamation of 2nd January 1818 ?

Reply. I have never done so ; and I am not aware that at this moment there are any parties indebted to the public for these dues.

What other charges are made to the parties on transfers of property ?

Reply. Six skillings are paid to me for the receipt of the transfer duty, which is written on a stamp of seven stivers ; I pay for the stamp, and collect the difference or agio on account of government. The amount of this collection in the last year was Rds. 184.

The stamp duty upon the transfer of property is paid in the Colonial Office ?

Reply. It is.

Have you found that the transfer duty has been collected with greater regularity in consequence of the regulations of January 1818 ?

Reply. I think that it has.

You are collector of the gaugers fund ?

Reply. I am.

Do you receive any salary or emolument for the performance of this duty ?

Reply. I do not.

In what manner is the collection made ?

Reply. It is made by the clerk who resides at the market, and the amount collected is paid by him daily to me.

Does the gauger also attend at the market for the performance of his duty ?

Reply. He occasionally attends, and in his absence the clerk performs this duty.

Does the gauging of the casks occasion much trouble or delay to the wine carrier ?

Reply. I am not aware that it does ; I can only remember one complaint having been made to me.

Have you any knowledge of the frauds that are represented to have been practised in the wine measures previous to the appointment of a gauger ?

Reply. I have no knowledge of such frauds, although I have heard it said that larger casks were brought in under the denomination of leaguers, but I do not recollect that it at any time came under my observation, nor that of the collecting clerk of the tithe.

I observe from the colonial secretary's letter of the 24th June 1818, that an estimate of Rds. 1,020 was approved for the expense of providing accommodation for the gauger and clerk ; was this expense incurred, and in what manner was it defrayed ?

Reply. The accommodations were erected, and the charge was defrayed by the colonial government, but not from the fund.

What has been the whole amount collected by you on account of this fund ?

Reply. From March 1818 to the 30th June 1825 the sum of Rds. 95,917 were collected, of which Rds. 15,133 were applied to the expenses of the establishment, and Rds. 78,934 paid over to the commission for the public library.

I believe the fund is now accounted for to government ?

Reply. It has been accounted for to government since the 30th of June last.

You are superintendent of the Buck Bay lime works ?

Reply. I am, I was appointed to that superintendence in the year 1814.

Do you occasionally visit the establishment at Buck Bay ?

Reply. The management of the establishment is in the hands of the overseer, and I regulate the expenses and keep the accounts.

Do you receive and dispose of the lime made at Buck Bay ?

Reply. I do.

Can the quantity of lime at Buck Bay be increased ?

Reply. There has been a diminution of late years in the quantity of shells, and of wood for burning it ; and the distance from which these have now to be brought has increased the labour, and reduced the quantity of lime that can be prepared.

Do the convicts work in irons at the farm ?

Reply. They do not ; this would be impracticable, as they have to work in heavy mud, to drive and lead waggons to considerable distances, and also to work in the boats.

Do they frequently make their escape ?

Reply. They do frequently ; chiefly the Hottentot convicts.

Do they receive full rations ?

Reply. They do ; and, in addition, spirits and tobacco. The allowance for their subsistence, paid to me by the undersheriff, is not sufficient, and a further allowance is included in the expenses.

Are you enabled to burn sufficient lime for the use of government ?

Reply. I have understood from the inspector of buildings that he is obliged to purchase lime in addition to what he receives from Buck Bay.

Have the returns covered the expenses of the establishment ?

Reply. I conceive that they have done so.

(Signed) W. J. KLERCK.

[Copy.]

*Evidence given by MR. H. BREST to the COMMISSIONERS OF
ENQUIRY.*

16th March 1826.

How long have you held the situation of collecting clerk of the town market ?

Reply. About three years.

By whom were you appointed ?

Reply. By Lord C. Somerset.

Had you recently arrived in the colony ?

Reply. I had been in the colony about two years previous to my appointment.

What is your salary ?

Reply. Six hundred rixdollars per annum.

Do you act under the orders of Mr. Klerck ?

Reply. I do.

Have you any official residence allowed you ?

Reply. I have my residence in the house that is placed within the market on the eastern side.

In what manner do you collect the market dues ?

Reply. The market opens at gun-fire in the morning, and every boer that arrives with a waggon comes into my office, and verbally informs me of the contents. My first assistant enters the name of the boer and the contents in a book from my dictation to him ; a small ticket is then given to the boer, describing the different articles brought in, which he takes with him and delivers to another assistant, who is placed at the lower gate of the market. These tickets are brought up to my office by the assistant when the market is over, and they are compared with the book, and if they agree with the entries they are destroyed. If the assistant finds that the contents of the waggon do not agree with the ticket, he sends the boer again to the office.

When is the money paid to you ?

Reply. It is paid to me when the boer gives an account of the contents of the waggon.

Do you calculate the amount ?

Reply. I do.

Does any examination take place of the contents of each waggon before the money is paid upon it ?

Reply. None.

Then you depend upon the veracity of the boer for the account of the commodities that he brings in ?

Reply. I do, and upon the ticket ; that is a check upon him before he leaves the market.

Upon what articles do you levy the duty that is called tithe ?

Reply. Upon every species of grain, including peas and beans and flour, and upon wine and brandy.

When is the gauging tax taken ?

Reply. It is taken by a person named Herhold, the clerk to the gauger (Mr. Letterman), and sometimes in his absence by the messenger.

Does Mr. Letterman ever attend in person ?

Reply. Very rarely ; but I have seen him at the office occasionally, and he may officiate at times when my attention is directed elsewhere.

Does the gauging of the casks require much time ?

Reply. They generally bear the mark that was put upon them by a Mr. Hopley, who first was employed in the gauging department, and visited most of the wine estates and examined the casks. If the boer requires them to be examined, they are gauged, and the operation does not take above a minute or two.

Has Mr. Herhold a room in the market ?

Reply. He does not reside there ; he lives in town.

Is one room only allotted to the gauger ?

Reply. There are two rooms, but one of them is very small.

What check does the taking of the ticket by the boer afford when he leaves your office, and the delivering of it again at the other end of the market to your assistant, upon the correctness of the description that is first given to you of the contents of each waggon ?

Reply. The assistant examines the waggon before it leaves the market, and compares the contents with the description given in the tickets, and sends the waggon back if he finds they do not agree.

Would it not be practicable to examine the waggons at the time that they pass your office, and upon their entry into the market ?

Reply. It has never been so done in my time ; but I have

heard that it was tried before, and not found so convenient as the present method.

Does not each waggon undergo an examination of its contents at the weigh-house that stands in the middle of the market ?

Reply. It does, for the purpose of ascertaining the duty payable to the burgher senate.

Did it ever occur to you that one examination of the contents of each waggon might serve two purposes, that of the collector of tithes for government, and the duty payable to the burgher senate ?

Reply. It has occurred to me ; and I think it would be practicable to have the examination made at the weigh-house.

How do you account to the principal in your office for your daily receipts ?

Reply. I make out a report of the transactions of the preceding day, and send it up to Mr. Klerck, the collector, every morning at nine o'clock, with the money received.

Do you send up the book in which your entries are made ?

Reply. No, I do not ; I understand that a copy of the report of the officer who collects the burgher senate dues is sent from thence to Mr. Klerck, and one also to Mr. Fiscal (now the superintendent of police).

Do you ever give credit to the boers for their duty ?

Reply. I never do ; they pay in ready money.

Do you find that embarrassment takes place by the crowding in of the boers all at one time into the market ?

Reply. Sometimes there does, but they are always restrained by the presence of the sentry, who is posted near my office.

Is grain generally sold by the boers within the market ?

Reply. The greater part of it is I believe.

What duty is performed by the third assistant ?

Reply. He takes the duty of the second assistant alternately, morning and evening.

Is much business transacted during the evening market ?

Reply. No, there is not, except during the wine season, when there is as much business as in the morning.

What may be the greatest number of waggons that pass the market in the season for carrying wine ?

Reply. I cannot say.

(Signed) H. BREST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. W. WALKER.

DOWNING STREET, 17 March 1826.

SIR,—Having laid before Earl Bathurst your letter of the 13th instant, I am directed to acquaint you in reply that it is not in his Lordship's power to give you any assistance in obtaining payment of the sum due to you on account of Books supplied by you for the use of the Bible and School Commission at the Cape of Good Hope ; but his Lordship would recommend that you should address yourself on the subject to the Governor of that Colony who is expected to arrive shortly in this Country.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. MERRY, ESQRE.

DOWNING STREET, 17 March 1826.

SIR,—Having laid before Earl Bathurst your letter of the 13th instant, I am directed by his Lordship to acquaint you for the information of the Secretary at War that the Reverend Mr. Ireland was appointed to the Civil Chaplaincy of Graham's Town, Cape of Good Hope, on the 7th of June 1825.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. LANCELOT COOKE to R. W. HAY, ESQRE.

2 ABCHURCH LANE,
LOMBARD STREET, 17th March 1826.

SIR,—Since I had the honour of addressing you last (the 14th February) I have been waiting with much anxiety for a

reply. I beg leave therefore respectfully to draw your attention to my case, and to request an early answer. I am &c.

(Signed) LANCELOT COOKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. L. COOKE.

DOWNING STREET, 18th March 1826.

SIR,—I am directed by Earl Bathurst to acquaint you in reply to your letter of the 17th instant, that the report which has been received from His Majesty's Commissioners of Enquiry upon your case has for some time past been under the consideration of the Lords Commissioners of His Majesty's Treasury.

I am &c.

(Signed) R. W. HAY.

[Copy.]

Tariff of Duties paid for the under-mentioned Articles of Produce at the Collector of Tithes Office at the Cape Market.

	£	s.	d.
Wheat, for each load of 10 muids	0	4	6
Wheaten Flour, 2nd quality, each load of 10 muids	0	4	6
Ditto fine, each 1,200 lbs.	0	4	6
Rye, for each load of 10 muids	0	3	6
Barley ditto ditto	0	2	0
Peas ditto ditto	0	7	6
Beans ditto ditto	0	6	0
Oats ditto ditto	0	1	6
For each legger of Wine	0	4	6
„ $\frac{1}{2}$ ditto ditto	0	2	3
„ aum ditto	0	1	1 $\frac{1}{2}$
„ $\frac{1}{2}$ ditto ditto	0	0	6 $\frac{3}{4}$

Extra Duty on Wine, by Proclamation, from 14th November 1823 :

For each legger of Wine	0	12	0
„ $\frac{1}{2}$ ditto ditto	0	9	0
„ aum ditto	0	6	0
„ $\frac{1}{4}$ ditto ditto	0	3	9

Transfer Dues, by Proclamation, 2nd January 1818:

	£	s.	d.
On Property, Places, Houses, Lands, &c.	4	per cent.	
„ Loan ditto	2½	ditto.	
For each Cask passed the market for gauger and certificate, as by proclamation, 20th March 1818	0	1	6
For all retail Licences in Cape Town of Wine and Brandy, each per year, as by proclamation, 14th November 1823 .. .	112	10	0
For each gallon of French Brandy for colonial consumption . . .	0	1	6
From the Custom-house for Gin, Arrack, and Liquors imported by water, for each gallon	0	1	6

(Signed) W. J. KLERCK, Collector.

COLLECTOR OF TITHES AND TRANSFER DUES OFFICE, 18th March 1826.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20 March 1826.

MY LORD,—With reference to the dispatch which I had the honor to receive from your Excellency under date 8th September last, relative to a deficiency of the Public Revenue of your Government which had arisen from the misconduct and speculation of a Clerk employed in the Office of the Customs ; I have to acquaint your Excellency that the Lords Commissioners of His Majesty's Treasury are of opinion that the Collector of the Customs is legally responsible for any loss sustained by the Public in consequence of the misconduct of a person employed in his Office ; and I have, therefore, to instruct you to take measures for the recovery from that Officer of the amount of a deficiency of Public Money which could not have escaped his notice had he given a proper attention to the instructions with which he was furnished. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 21st March 1826.

MY LORD,—I have the honor to transmit to you enclosed a copy of a letter which has been received from the Foreign Office covering copy of a note from the Baron de Citty the Bavarian Minister at this Court, requesting to be provided with certain testamentary Papers relating to Property left by Henry Ernest Fichtner who died at the Cape of Good Hope in the year 1776 ; and I have to desire that you will take measures for procuring and transmitting to me the documents applied for by the Bavarian Ambassador. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 22nd March 1826.

MY LORD,—I have to call your Excellency's immediate attention to the enclosed communications which have been received from the Board of Treasury and the Commissioners of Colonial Audit, from which it appears that up to the conclusion of the year 1824 your Excellency had not refunded an overissue of Salary with which you had been surcharged.

If the statement of the Commissioners of Audit be correct, I have to express my desire that your Excellency will immediately refund the amount of such overissue with interest thereon from the time when you received the Treasury communication addressed to you in 1821, into the Treasury of your Government ; and you will lose no time in acquainting me that you have complied with these directions. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to CAPTAIN DAMANT.

DOWNING STREET, LONDON, 22 March 1826.

SIR,—In consequence of an application which was made in your favour by Mr. Wodehouse in presenting your Memorial of the 6th instant, I am to acquaint you by desire of Earl Bathurst that if you should be resolved to return to the Cape of Good Hope, his Lordship will be prepared to instruct the Governor of that Colony to assign to you a Grant of Land proportioned to your means of bringing it into cultivation. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. CHARLES EVANS to EARL BATHURST.

BUCKLAND, March 22nd 1826.

MY LORD,—In the year 1820 Charles Evans formerly a Merchant in London went as a settler to Algoa Bay, South Africa, in His Majesty's Ship *Weymouth*, Captain Turner, and has ceased to correspond with his Friends in England for some years past.

A family Estate descended to him about twelve months since, and though every enquiry has been made after him all have hitherto proved fruitless.

I therefore humbly beseech your Lordship to inform me what Authorities I could write to at Algoa Bay to ascertain whether he is still living or not, as the present tenant of the Estate is living without paying any Rent, and the next Heir cannot take possession till the above Charles Evans' death is proved. I have &c.

(Signed) CHAS. EVANS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 23rd March 1826.

MY LORD,—I have the honor to transmit to you enclosed an Extract of a Resolution of the House of Commons, praying that there be laid before that House certain returns connected with the Slave Population in His Majesty's Colonies ; and I have to desire that you will take measures for preparing and transmitting to me those Returns so far as they relate to the Colony under your Lordship's Government. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 24 March 1826.

MY LORD,—An Ecclesiastical Board having been established for the purpose of advising His Majesty's Government respecting the religious concerns of the Colonies, I have to desire that your Excellency will instruct the Civil Chaplain of your Government to communicate from time to time with the Board through their Secretary the Reverend Anthony Hamilton upon all points which may concern his spiritual charge.

The subjects upon which it will be desirable that the Civil Chaplains should report will include every thing which may relate to the state of education within their respective districts ; the number of places appropriated to Public Worship, the times at which such Worship is celebrated, the extent of the Congregations, and the Proportions such Congregations bear to the Population. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *March 24th 1826.*

MY LORD,—I have the honor to enclose the Memorial of the Inhabitants of the Field Cornetcy of Baviaans' River, which has been newly settled, praying that a Minister of the Church of Scotland to act as Clergyman and Schoolmaster may be sent out to them, and offering to raise an annual sum of five hundred Rixdollars towards his stipend if His Majesty's Government will defray the expense of his passage out. Memorialists further engage to pay half the expense necessary for the erection of a plain dwelling House and School Room, the latter being made of sufficient dimensions to serve also as a place of Worship, if the Colonial Government will defray the other half of the expense.

I beg to recommend this Memorial to Your Lordship's favorable consideration. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *March 24th 1826.*

MY LORD,—The Landdrost of Albany in his letters of the 4th October 1825 and 17th January 1826 having reported to His Excellency Lord C. H. Somerset the bad state of the Roof of the Prison erected at Graham's Town in the year 1823, His Excellency was pleased to require the legal opinion of His Majesty's Fiscal as to the liability of the Contractor to pay the cost of the repair now rendered necessary by the bad work and the defective materials he had used in the construction of the Prison. The Fiscal in his letter of the 16th instant states it to be his opinion that no action will lie. I believe therefore it will be absolutely necessary to adopt the suggestion of the Landdrost and put on a new roof to be covered with thatch

at the expense as set forth in the estimate in his letter of the 4th October 1825 of 10,400 Rixdollars or seven hundred and eighty pounds Sterling. I have to request Your Lordship's sanction to this expenditure and that you will please to make it known to me with as little delay as possible, as further expense may be incurred by deferring much longer the execution of these repairs. To prevent the entire ruin of the building I have directed the Landdrost to forward to me forthwith an estimate of the expense required for its protection during the period of this winter which must necessarily elapse before Your Lordship's authority to undertake the general repair can arrive. This expense I will take upon myself to order, which I hope will meet with Your Lordship's approbation.

If Your Lordship shall be pleased to sanction the general repair, I have to request that the Colonial Auditors may be informed. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

GRAHAM'S TOWN, 17th January 1826.

SIR,—I have the honor to enclose a Report of the present state of the Prison of this District as given by Mr. Hope, the Surveyor, and Mr. Gilbert, the contractor for building the church, from which it will appear that immediate steps should be taken to stop the progress of decay that is now rapidly proceeding in the flat roofs and which will shortly render the whole building uninhabitable.

The objections that would appear to exist to the Colonial Government defraying the expense of thatching the Prison and effecting the repairs required for the preservation of the Building I have most seriously weighed and examined; the opinion I have formed on this matter I have now in detail to submit.

The contract formed in February 1823 was finished in April 1824, and with the exception of a few deficiencies in the work which appear to have been immediately supplied, the building was reported favorably on as to its general character, though it was stated that the wood used in the construction of the Building was not perfectly seasoned throughout. The Prison after this was taken over and occupied, and the last payment

made to the contractor. The Report likewise stated that the durability of the Roof could not be ascertained until the expiration of a year.

Having carefully examined the contract and specification and every other document connected with the construction of the Building, I draw the following inference. That as the Prison was taken over from the Contractor (though the objection to the work was entered in the report), the last payment made, and a discharge given, without binding the contractor to remedy any deficiency which might within a year be perceived, the Law would not I think oblige the party to pay for renewing the roof should it prove defective, more particularly as it was not decreed that he should have access for the purpose of keeping it in repair during that period, and he might justly observe that had he been bound to keep up the repair for this period, it would have been his object and interest to have attended carefully to, and filled up, every crack and defect as it appeared.

In this case whether the Woodwork was unseasoned or not, or whether stone lime was used instead of shell lime, the conclusion I have come to is the same, the objection should have been more strongly stated in the Report, and provisions guarding the interests of the Colonial Government should have been made previous to the Building having been taken over.

Could it be proved that the decay in the Building has arisen from gross carelessness on the part of the Builder, it is clear that a judgment in a Court of Law would be given against him, but such a charge may not be supported, the Builder's fault in the construction may have been the consequence of ignorance, the work was not sufficiently scrutinized in its progress, and as a Shopkeeper and a Saddler were the persons employed it is but natural to expect bad and deficient work, and that consequently the Government should pay the penalty of employing such men.

My opinion on the flat roofs in general as constructed in this part of the country is that the yellow wood used is utterly unfit for the purpose, that the expansion and contraction to which this wood is most particularly subject must continually affect the upper flooring of lime, and that therefore, whether the workmanship be good or bad, the same final results must be the consequence : cracks will appear, the rains must penetrate, and the woodwork decay, so that the evil now complained of

is attributable more to the nature of the roof than to any evidently bad construction of it.

From the conviction of the insufficiency of these roofs I recommended in my letter of the 4th October that a roof of thatch should be immediately applied, as I was well convinced that a partial remedy would do no good, and that the decay which has already commenced could not be stopped by anything short of the Roof I have proposed, and for which a preliminary estimate has been procured and submitted. I have &c.

(Signed) W. B. DUNDAS, Landdrost.

The Hon. Sir Richard Plasket.

[It cannot be necessary to give the other enclosures in the above despatch, as their substance is before the reader.—G. M. T.]

[Original.]

Letter from MR. THOMAS DAMANT to EARL BATHURST.

YELVERTON HOUSE, 26th March 1826.

MY LORD,—I had the honour of receiving Your Lordship's answer to my Memorial of the 6th instant wherein I requested an appointment either civil or military or the permission to purchase a Loan Place, similar to the indulgence granted to Mr. Tate in 1817. My means are fully adequate to bring into cultivation a considerable portion of land, which I feel desirous to do. I therefore request Your Lordship will allow me the choice of a District, and which I am anxious to know some time previous to my leaving England, as it will take a considerable time to make the necessary preparations.

I have &c.

(Signed) THOS. DAMANT.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *March 28th 1826.*

MY LORD,—A Dispatch of His Excellency Lord C. Somerset of the 25th July 1825 will have informed your Lordship of the amount of expenditure incurred for the repairs of the road from Cape Town to Simons Town over and above the income of the Tolls up to the 30th June 1825.

Since that period the management of the road has been taken from the District and placed by Lord C. Somerset under the Engineers. The expense incurred by this Department up to the 28th February last has amounted to £1418 7s. 10d.

On taking charge of this Government on the 5th inst. I found the establishment formed for carrying on the repairs of this road at an average expense of about £320 per month; and I am presented with an estimate for this month's expenditure amounting to £282 17s. 11d., which I found myself under the necessity of sanctioning, as the work had been already begun by Lord C. Somerset's order. I have therefore to request that your Lordship will be pleased to direct the Colonial Auditors to allow this charge in my accounts.

With the view of reducing the expenditure within the limits of the Treasury Instructions, I called upon Major Holloway commanding R. Engineers to furnish me with a report upon the state of the road and the probable expense of the necessary repairs. A copy of this I have the honor to enclose, and Your Lordship will perceive that he estimates the cost of the required repairs at £3,851 6s. 10d., or £320 18s. 10³/₄d. per month from one year from the 1st inst. As the Tolls cannot now be taken at more than £2,000 annually there will be in the course of the year, if this plan is pursued, an expense to the Colonial Treasury of £1,851 6s. 10d. which I do not feel myself authorized to incur without Your Lordship's sanction. I have therefore directed Major Holloway to reduce the estimate so as not to exceed £200 per month, waiting Your Lordship's authority to expend within the year the additional sum of £1,451 6s. 10d.

In allowing the expenditure to be taken at £200 per month,

I am aware that I exceed the probable amount of the Tolls as now collected by £400 per annum, but I am in hopes that I may be enabled to encrease the value of these in some small degree, and to diminish considerably the cost of repair in the next year, so as to balance at the close of 1827 the income and expenditure of this and the next year taken together.

I should observe that it would not be expedient to support a certain part of this road, namely from the half way house to Simon's Town, but for the purpose of rendering the passage practicable for the naval stores passing from hence to that Arsenal. There is no *commercial* intercourse between Simon's Town and Cape Town that might not be left to find its way as is done in the Country Districts upon very indifferent roads. The stores for the Naval Arsenal do not pay a toll by any means equal to the cost of the repair of the road kept up for its use, and I submit to Your Lordship's consideration whether the Admiralty may not fairly be called upon to contribute to the support of part of the road, and whether in case of their Lordships' refusal, it would not be proper to take off the Toll at Simon's Town and leave that end of the road to the care of the District.

It may be necessary to state to Your Lordship how it happens that a road which is but little travelled over, and therefore unproductive of Toll, should nevertheless require considerable and constant repair. The fact is that this Climate affects the roads in a manner almost inconceivable to those who have not witnessed it. The very dry weather of summer loosens and reduces the materials which the violent South-Easterly winds carry away not in dust merely but in gravel, and in such quantities as to leave holes and irregularities in the road which it is useless to attempt to fill until there is a prospect of rain to consolidate and secure the material. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

ROYAL ENGINEER OFFICE, CAPE TOWN, 23rd March 1826.

*Report upon the present state of the Road between Cape Town,
Simon's Town, and Wynberg.*

The whole distance of this line of communication is about 24 miles. With the exception of about 5 or 6 miles the whole of this extent of road requires to be broken up and reformed with a coating of Iron Stone Gravel. For the covering which has hitherto been given to it is either worn through to the native soil or else to the under layer, which in some parts has been put as a kind of foundation on the old principle of road making of large rough stones. In the one case the deep holes or ruts, and in the other the tops of stones above the surface, form a most uneven appearance, and make the road highly dangerous and injurious to carriages and cattle of all sorts. The portion of the line which is in good order is confined to those spots which have recently been repaired by the Engineer Department and to short distances in other parts. * * *

It is to be observed that no attempts have as yet been made to form a regular road or causeway across the sands of the three bays on the north-western side of False Bay, by which the line proceeds, and consequently the necessity of any work of the kind is not considered in this report. The total space across the bays may amount to about 2 miles.

Hence it will follow that there remains an extent of about 8 miles, which, though not in a good state of repair, is not deemed so much out of order as to require particular attention at the present moment. It seems however probable that, ere the other parts of the line can be reinstated, this space will require to be mended. With regard to the general direction of the line of road, it does not appear particularly objectionable, though it is susceptible of improvement. The ascents and descents are not steep, there are no swampy places, but the low ground between the 4th and 5th mile stones and that near Baas Herman's kraal are liable in winter to become very miry. The line does not take a more circuitous route than seems necessary. The general breadth of the road is from 30 to 35 feet. The cross sections are not uniform, but may answer

tolerably well ; and there are covered drains for the passage of the winter streams of water under the road where requisite.

Concerning the mode of repair which has been practised since the service was put in the course of last year under the direction of the Engineer Department, it has consisted chiefly of spreading over the breadth of the old road, the latter being first loosened to the depth of 9 inches, a coat of iron stone gravel 8 inches thick, and sloping the surface sufficiently for the falls of rain to be carried off by the sides, such large holes however near Cape Town as threatened most danger to carriages being first temporarily filled up as well as some experiments made at macadamising ; that system however has been found to be too laborious for the Colony, and indeed not to answer very well in the dry seasons, especially as the stones whilst loose were very injurious to the feet of the numerous draught oxen used in the waggons.

Iron stone gravel seems to be the best material which can be procured for this line of road, since an abundant quantity lies within short distances of it throughout almost the whole extent ; it is very easily worked, and it forms with water a surface so hard as not to be easily affected by carriage wheels.

The principal causes of the deterioration of the road arise from the great heats of the summer, which, acting on the surface, loosen the particles of the materials, and, together with the friction of carriage wheels, reduce them to dust, the succeeding furious gusts of south-east winds raise them into the air and carry whole clouds away.

It only remains to report upon the expenditure of the repairs. Since the increase of the Establishment, made by the addition of 40 soldiers on the 6th instant, the estimate is raised to about £320 18s. 10 $\frac{3}{4}$ d. per month, as will be seen by the calculation contained in the accompanying detailed estimate. I have considered, for the ensuing 12 months, that the total strength of the working party, viz. 100 men, including 5 artificers, 15 drivers, and 10 convicts, must continue as at present. Tools, horses, &c. for this number are provided. At the expiration of one year I should hope the repairs of the road will be so far advanced as to enable a reduction of one-third of the number. Of the sum herein mentioned, not less than about £2,000 annually arising from the established Tolls can be deducted,

the same or near to it being, as I am informed, the amount of the income derivable from the road itself. The remainder is to be drawn from other sources. The conducting of the service by the Officers of the Engineer Department it will be seen is performed gratuitously.

(Signed) W. C. E. HOLLOWAY,
Major Commanding Royal Engineers.

[The other enclosures I do not think it necessary to give.—
G. M. T.]

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND E. SHEPPARD.

DOWNING STREET, LONDON, *March 28th 1826.*

SIR,—I have laid before Earl Bathurst your letter of the 20th instant, and I am directed to acquaint you in reply, that an individual of the name of Shepherd having submitted to his Lordship on behalf of certain Settlers at the Cape of Good Hope a proposition for the conveyance of their families from England to that Colony at the public expense, his Lordship has caused it to be distinctly stated to him that it would be impossible for His Majesty's Government to take any steps whatever in the matter without a formal assurance from him, together with a sufficient security, that at least one half of the expense to be incurred for this service would be defrayed by the Settlers themselves. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Fiscal to the Commissioners of Enquiry.

FISCAL'S OFFICE, *29th March 1826.*

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of yesterday's date, inquiring from me whether I have continued to receive regular and daily returns of the

several articles that pass through the market, and whether it has been required of me to make reports upon these returns to the colonial government, and if so, whether the performance of this duty appears to me to have been attended with any advantage to the public revenue ; and in reply thereto, I do myself the honour to state, that from the time of my appointment until I was relieved of the duty of officiating as a magistrate of the police, I have received from the collecting clerk of the tithes daily returns of the several articles passing through the market, which are subject to the duty of the tithes, and that the said returns have been regularly enregistered ; and from this book or register, thus kept in my office, every week a report has been extracted and forwarded to the colonial secretary's office under my official signature. Since November last said duty has devolved on the superintendent of the police, who is still continuing to forward his weekly reports to government. As I did not receive from my predecessor any particular information respecting the order or directions from government in which the said reports may have originated, I only have continued the practice as I found the same to subsist on my entering into the situation as fiscal.

Some time after the establishment of the new market, I have required similar returns from the director of the market, which I considered a useful check upon the returns of the collecting clerk of tithes, and have been from time to time the means of discovering some little errors committed by the one or other officer ; but having since learnt that the auditor-general has adopted the same mode of controlling the collecting clerk of tithes, I hardly think it requisite to continue that control for the benefit of the public revenue, either in my office or in the office of the superintendent of the police, although the same may be usefully continued in the latter office as a means to ascertain the quantity of the articles of consumption which daily pass the market. I have &c.

(Signed) D. DENYSSEN.

[Original.]

*Letter from MR. ADAM MULHOLLAN to R. WILMOT
HORTON, ESQRE.*

BALTINGLASS, 30th March 1826.

SIR,—Having perused a letter from Mr. Sheppard, stating that Government has agreed to bear the whole of the expenses of the families emigrating with him to the Cape of Good Hope, on condition that they will reimburse the Government at the Settlement one half of the expence in a limited time, and each family to send him three pounds for incidental expenses.

Be pleased to have the goodness to use your influence in procuring permission for me and a few of my relatives to emigrate with Mr. Sheppard on the same conditions, and you will oblige &c.

(Signed) ADAM MULHOLLAN.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

CAPE OF GOOD HOPE, 31st March 1826.

MY LORD,—I have the honor to transmit to Your Lordship the General Monthly Return of the Troops serving under my command to the 25th March 1826. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MR. ABRAHAM BORRADAILE to R. W. HAY, ESQRE.

LONDON, 1st April 1826.

SIR,—At an interview which Lord Bathurst was so kind as to favour Colonel Bird, Mr. McDonald, and myself with on the 31st January he was good enough to promise us to address

the Treasury on the subject of the Currency at the Cape of Good Hope, and I beg leave respectfully to inquire whether any and what reply has been received to his Lordship's letter, and should none have been yet given I trust you will not consider it intrusive if I again solicit his Lordship to apply in the same quarter for an answer which is of so much importance to all persons interested in that Colony. I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Cape of Good Hope Trade Committee.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, April 2, 1823.

MY LORD,—Your Lordship having at different times applied to the Governors of this Colony for Maps of the whole or separate parts of it, it has seldom been possible to comply with your Lordship's wishes, owing to the little progress made in the survey. For the last year, I am sorry to observe, this work has been totally suspended. The expense attending it was formerly defrayed out of the extraordinaries of the Army, and on the transfer of certain parts of the Commissariat Department to that of the Ordnance, the charge for the Survey of this Colony was estimated for by the latter, but was not approved of by the board in England. The consequence is that the service has been suspended after about one third of the Colony has been sketched, and a certain portion laid down on a scale of 4 miles to an inch, at an expense of but £1,109 4s. 8d., as your Lordship will perceive by the report of Major Holloway commanding Royal Engineers herewith sent.

As your Lordship has frequently expressed a desire for the completion of a competent survey of this extensive Settlement, I have to submit to your Lordship the expediency of moving the Board of Ordnance to direct this work to be resumed by the Officers of the Engineers and carried on at the expense of that Department, at such annual rate as may be determined upon. From the few persons fit for the service whom it is

possible to procure here, and as the Commanding Officer of the Engineers superintends the execution gratis, I do not conceive that a larger sum than £500 per annum will be required.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *April 3rd 1826.*

MY LORD,—The failure of the wheat crop at the last harvest has been for some time a matter of notoriety in the Colony, and the great rise in the price of this article, of Flour and of grain in general, has lately been productive of much uneasiness and gave rise to some apprehension that the effects of scarcity might be severely felt in the approaching winter. Having very shortly after I took charge of this Government caused some enquiries to be instituted on this head, I ascertained beyond all doubt, that the wheat crop of last year was not only much below the average, but that in some districts there was not sufficient seed for the ground intended to be sown this Spring.

Under these circumstances I enquired of the principal Merchants in Cape Town whether they had taken any measures for procuring a supply of grain or flour from foreign parts. I found that little or nothing had been done by them, owing as they stated to an apprehension of the effects of the Proclamation of the 8th February 1822, which prohibited the sale of imported wheat or flour when the price of the former was below 160 Rixdollars the load. They had suffered they said on a former occasion, when desirous of introducing a sufficient supply for the service of the Colony, they had given too extensive orders, and having reduced the price below 160 Rixdollars several cargoes of Grain were after their arrival here forced to seek another market at considerable loss to the Shippers.

To obviate this inconvenience and secure a sufficient supply

for the Colony, I have published an ordinance by the Lieutenant Governor in Council repealing the prohibitory clause of the Proclamation of the 8th February 1822 and admitting Grain and Flour into these Ports at a duty of 3 per cent ad valorem until the 31st December next. A copy of this Ordinance is herewith enclosed.

This arrangement will I hope prevent the worst effects of the late failure in the Crops, tho' I cannot but lament that the subject was not considered at an earlier period, as the return to any orders now forwarded cannot be expected for four or five months. The great distance of the Ports from whence supplies of grain are to be obtained for the use of this Colony operates powerfully in support of the general reasoning against prohibitory enactments and I propose shortly to bring under your Lordship's consideration the expediency of a revision of the corn laws of this Colony with the view of permitting the export and import of grain at a small fixed duty.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

EAST INDIA COMPANY'S CHINA SHIP *Atlas* AT SEA,
3rd April 1826.

MY LORD,—I have the honour to transmit to your Lordship copy of a letter addressed to me some time since from His Majesty's Commissioners of Inquiry, enclosing an abstract of the several allegations referred to in a letter addressed by Mr. Wilmot Horton to those gentlemen, and contained in the correspondence with Sir Rufane Donkin referred to in that letter.

As at the time I received this communication from His Majesty's Commissioners I had formed my determination to avail myself of His Majesty's gracious permission to return to England, to refute the gross calumnies with which I had

been assailed, and expecting that the very speedy arrival of the Lieutenant Governor would enable me to do so at an early period, I postponed at that moment the replying to these allegations. As I am now on my passage to England, I have prepared the replies, and shall have the honour of forwarding them with this to your Lordship by the first boat I may meet in going up Channel. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1.]

CAPE TOWN, *Wednesday, 26th October 1825.*

MY LORD,—Adverting to the conference which we had the honour to hold with your Lordship on Monday last upon the subject of two letters from Mr. Wilmot Horton to our address, copies of which had been transmitted to your Lordship, we beg leave to enclose, for your Lordship's information, an abstract of the several allegations which are referred to in the letter of Mr. Wilmot Horton, and contained in the correspondence of Sir Rufane Donkin referred to in that letter, and which may be considered to comprehend the grounds upon which Sir Rufane Donkin has professed an intention of declaring publicly his disapprobation of your Lordship's administration in the next session of Parliament.

We deem it proper to add, that Sir Rufane Donkin has repeatedly disclaimed in his letters all personal feeling respecting your Lordship, and has alleged as a motive for coming forward, his sympathy in the distresses of the English settlers, and his desire to support their complaints in return for their attachment to him. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

His Excellency General
the Right Hon. Lord Charles Somerset.

(Enclosure, No. 2.)

Points referred to in the Letter of SIR RUFANE DONKIN. *Replies to the Points referred to on the opposite Side.*

1.—General disapproval, by Sir Rufane Donkin, of Lord Charles Somerset's conduct, as Governor of the Cape of Good Hope.

With regard to Sir R. Donkin's general disapproval of my conduct, as Governor of the Cape of Good Hope, I conceive it unnecessary to make any comment, as I consider that my experience of six years in the administration of the government of the Cape, (during which I had had the honour to receive, on numerous occasions, the approbation of Earl Bathurst of my conduct,) entitled me to judge quite as well as any individual of what was most beneficial for the colony; besides which, I consider myself only responsible to His Majesty's Government for my public acts.

2.—Appeals to Lord Bathurst's approval of several acts of his own administration, which Lord Charles Somerset reversed immediately after his return to the colony, and before he could have acquired any information of the expediency of the grounds upon which Sir Rufane Donkin had acted;

I am not aware of the reversal of any measure of Sir Rufane Donkin's administration, except the not proceeding in the intended removal of the seat of magistracy from Graham's Town to Bathurst, to the completion of which project there were so many powerful and irremediable* obstacles,

* The paucity of water; the absence of good water for drinking and washing. The great objection to dividing the seat of magistracy from the chief military station. The enormous expense that must attend erecting new buildings for every branch of the magistracy. The position not so eligible or central as Graham's Town, with regard to other parts of the district.

hence it is inferred by him, that this reversal of acts and measures that had obtained the approbation of Earl Bathurst, must have been condemned by his Lordship.

Sir Rufane disclaims any thing like personal hostility towards Lord Charles Somerset ; he enters upon an examination of the points of Lord Charles Somerset's administration of the colony that he considers as open to most serious objection.

3.—Expresses his abhorrence of the system of espionage that has been established at the Cape, to the dismay of the whole colony.

4.—Disapproves of the unnecessary destruction of Bathurst and Fredericksburg, and the subversion of the measures intended for the welfare of the new settlers, which had received Lord Bathurst's approbation.

that I should have considered myself unpardonably culpable in persevering in it ; exclusive of which, all the respectable portion of the community in the district were averse to it, as may be seen by the acknowledgments expressed in an address to me on the determination to continue the seat of magistracy at Graham's Town being promulgated.

Never having heard of the system of espionage here alluded to, or of any instance of the dismay created by this nonentity, I have of course no comment to make on this paragraph.

So far from Bathurst being destroyed as here stated, even are offered gratis to any one who will build there. A grammar school has been established there at the public expense, and every possible encouragement given to it. No check was given to the establishment at Fredericksburg ; but it ceased to exist (as it was natural to suppose it would do) from the very nature of its own composition, and was consequently gradually abandoned by all who have speculated there.

I have no conception to what the latter part of this para-

graph alludes, and am totally unconscious of having subverted any measures for the welfare of the settlers which had received Lord Bathurst's approbation ; on the contrary, from the moment of my return to the colony on the 1st December 1821, to my quitting it on the 5th of March 1826, I can conscientiously say that nothing has been omitted which it was within the limits of my authority to afford to promote the interests of the settlers ; and I have every reason to believe that the major part, and all the respectable part of them, are ready to attest this assertion, although such extensive pains have been exerted to render them discontented with their government, by a few very evil intentioned persons.

5.—The astonishing and alarming declaration imputed to Lord Charles Somerset on landing, that he would undo all that had been done in his absence ; without appearing to pledge himself to this declaration, Sir Rufane Donkin states, that Lord Charles Somerset proceeded to act upon it, without having received any authority from home.

6.—Refers to a despatch from Earl Bathurst that fol-

I never heard of this imputation until I received the document I am now replying to from his Majesty's Commissioners of Inquiry ; and I positively assert, that no such declaration, nor any words directly or indirectly implying such intention, ever fell from me, nor was any such intention ever entertained by me. The latter part of this paragraph is already answered.

As the establishment was abandoned by those who un-

lowed Lord C. Somerset to the Cape, approving of the settlement of the African corps at Fredericksburg, and of the regulations for that settlement, as contributing mainly to the security of that part of the frontier, and to the future defence of the colony.

7. Refers also to the decisive terms in which Earl Bathurst expresses his approbation of the settlement of Bathurst, and the opening of the Kowie, and to the concluding sentence of the despatch, which is alleged to be in the last degree honourable and complimentary to Sir Rufane Donkin.

8.—Alludes, in strong terms, to the consequences of the system of frontier defence adopted by Lord C. Somerset on his return; the consequences of which are alleged to have been several murders committed by the Caffres, and the reduction of above thirty families to misery and despair.

dertook it, from the impossibility they found of continuing it with the materials of which it was composed, I consider that the contents of Lord Bathurst's despatch alluded to, were not in anywise intentionally counteracted.

The establishment of a port at the Kowie has been the first object of my wishes; and, so far from checking it, I have even been censured for the trifling expense which I authorized for objects indispensable to its success.

I never heard of any murders by the Caffres since my return to the colony, except in the case of Stubbs, who sought his own death by illicitly trafficking with the Caffres; *vide* my letter to His Majesty's Commissioners of Inquiry, under date 10th of January 1826, (copy of which is annexed, A.); and the system of defence pursued now, (which is the same as that I laid down previously to my quitting the colony in 1820,) is ascertained, from experience, to be the *only* one that can ever avail for the safety of the border, and which can at the same time tend to alienate the Caffres from their predatory habits.

9.—In reviewing the finances of the colony, Sir Rufane Donkin states that he left a surplus revenue of 92,101 rixdollars at the end of 1821; and that, from the information he has received, “the colony is now in a state almost of bankruptcy, and that apprehensions are entertained that the government will stop payment of the ordinaries of the colony, as he was informed that it had already done, or at least delayed the payment of the extraordinaries.”

10.—In the year 1820, the first of Sir Rufane Donkin’s administration, the ordinary expenditure increased by rixdollars 131,153, the extraordinary by rixdollars 331,632, owing to the various claims with which Lord Charles Somerset had saddled the expenditure before his departure.

In remarking on paragraph 9, I have to observe, that so far from a surplus revenue of 92,101 rixdollars being left at the end of 1821, the annexed document will show that, independent of an additional annual expense of rixdollars 35,018 6. 4. which had been permanently imposed on the colony during my absence, I have been compelled to direct, from time to time, the payment of a sum of rixdollars 96,517. 6. 3. for works, &c. authorized during the same period.

With regard to the present state of the finances of the colony, the paper hereunto annexed will, I trust, fully and satisfactorily account for it. It is therein shown, that no unnecessary waste of the public money has taken place; but that, on the contrary, the present embarrassment is to be attributed to a series of untoward circumstances and inevitable visitations, which the colony has had to encounter.

It will be seen, by the annexed documents that the ordinary expense, in the year 1820, had increased by rixdollars 20,011. 6. 5, (not by rixdollars 131,153, as stated in paragraph 10,) and the extraordinary by rixdollars 283,433. 7. 5½, (and not by rixdollars 331,632); and upon

examination of the documents here referred to, it will appear that the causes of the increased expenditure principally arose from the unavoidable necessity I had been under of increasing the strength of the Cape corps, and of repelling the incursions of the Caffres, by sending an armed burgher force to the frontier; the expenses that attended these measures having amounted together to the sum of 300,000 rixdollars, or thereabouts.

11.—In the next year (1821,) the ordinary expenditure decreased rixdollars 21,930, and the extraordinary decreased rixdollars 263,585, making a decrease of rixdollars 285,515, in the general expenditure of the colony, as soon as Sir Rufane Donkin's system could be brought into operation, notwithstanding the pressure of the contract entered into by Lord Charles Somerset for the building of Newlands, which apparently created an expenditure only of £7,000 sterling, and by which Lord Bathurst had been induced to give his sanction to the rebuilding.

The statement in paragraph 11 appears equally in error, relative to the decrease stated to have taken place in the ordinary expenditure of the year 1821, of rixdollars 21,930.

It will be seen from the annexed document that no such decrease took place, but that there was an actual increase of rixdollars 38,531. 1. 3½. in the ordinary expenditure.

It was natural that the extraordinary expenditure of 1821 should decrease, when the items of expenditure which had caused it (the augmentation and remounting of the Cape corps, and the expense of the burgher force,) had ceased to exist.

[Enclosure No. 3.]

CAPE OF GOOD HOPE, 10th January 1826.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 13th ultimo, stating that it is asserted in Sir Rufane Donkin's letter to Mr. Wilmot Horton that several murders were committed by the Caffres, in consequence of the abandonment of the system of defence that he had established upon the frontier, and requesting to be furnished with any reports that may have been received from the commandant or from either of the magistrates upon the frontier, of any murders that were committed by the Caffres within the colony during the years 1822 and 1823; and in reply thereto, to transmit to you an extract of a letter from the commandant on the frontier to the late military secretary, Major Rogers, under date 24th June 1823, relative to the murder by the Caffres of a Mr. Stubbs, who, there appears to be little doubt, had been carrying on an illicit traffic with that people.

I am not aware of any other instance of a colonist having been murdered by the Caffres during the period you allude to, nor is there any document to that effect on record; it appears, however, from a report made by the commandant on the frontier, on the 13th October 1821 (a copy of which I understand you have in your possession), that forty-eight head of cattle, together with an English boy who herded them, were missing from Mr. Smith's location; and as nothing can be traced of the fate of this boy, it is more than probable that he must have been murdered by the savages. I have &c.

(Signed) CHARLES HENRY SOMERSET.

His Majesty's Commissioners of Inquiry.

[Enclosure No. 4.]

Statement of Expenses in the Government of the Cape of Good Hope, authorised during the years 1820 and 1821, the payment of which Lord Charles Somerset was necessitated to direct after his return to the Colony in December 1821.

		<i>Rds.</i>	<i>sk.</i>	<i>sti.</i>
1821.				
Dec. 31 .	Alterations made and materials supplied to the town prison	6,854	-	-
	The frame of a sloop purchased for the service of Government	3,965	-	-
	Building and launching the same	2,865	-	-
	Repairs done to the stores belonging to the new custom-house	3,186	-	-
	Ditto ditto and altering the front of the custom-house	2,340	-	-
	Repairs done and articles supplied to the town prison	1,824	-	-
1822.				
Jan. 24 .	Launching and completing the government cutter <i>Winefred</i>	3,875	4	-
Feb. 7 .	An advance on account of the building of the drostdy-house at Bathurst	4,000	-	-
Mar. 22.	Stores supplied for the use of the cutter <i>Winefred</i>	3,693	6	-
Aug. 6 .	A further advance on account of the building of the drostdy-house at Bathurst	4,000	-	-
	Disbursements made on account of expenses incurred in the defence of the Colony against the inroads of the Caffres	3,005	6	3½
	Ditto ditto ditto	4,674	-	1¾
„ 22	Labour and materials supplied for the building of the drostdy-house at Bathurst	4,422	5	3
	Stores supplied for carrying on do.	3,611	2	4½
Dec. 2 .	Building a bridge across the Liesbeek river near Cape Town	4,570	-	-
1823.				
Dec. 23 .	Balance of expenses incurred for repairs done to the wharf, Cape Town	13,030	5	3
1824.				
Jan. 13 .	Expenses incurred in the erection of a light-house at Green Point*	13,400	-	-
1825.				
June 7 .	Purchase of the Loan Place “Wolvegat”	13,200	-	-
	<i>Rds.</i>	96,517	6	3¾

* *Memorandum.*—In addition to the sum expended on account of the light-house, extra remuneration to the amount of 5,200 rixdollars has been claimed by the contractor of the building, in consequence of a deviation from the original plan which was ordered by the acting governor.

ORDINARY EXPENDITURE.

		Salaries per Annum.
	<i>Appointments.</i>	
1820.		<i>Rds. sh. sti.</i>
Mar. 22 .	Messenger and under sheriff at Simons town .	500 - -
Mar. 14 .	Postmaster at Beaufort	300 - -
April 15 .	Under sheriff at Graham's Town	360 - -
„ 18 .	Clerk to the deputy landdrost at Worcester .	400 - -
„ 19 .	Deputy messenger to Orphan Chamber	240 - -
„ 26 .	Public executioner, Cape Town	1,200 - -
May 12 .	Instructor to the lepers at Hemel and Aarde .	600 - -
Aug 30 .	Two boatmen for the Knysna establishment, at 420 rixdollars each	840 - -
Sept. 22 .	Medical officer at Clan William	500 - -
„ 27 .	Clergyman at Bathurst	2,000 - -
„ 29 .	Secretary at Clan William	1,000 - -
	Presbyterian minister at Bathurst	1,000 - -
Oct. 4 .	Two constables at Clan William at 180 rixdollars each	360 - -
	Three black ditto, at 60 rixdollars each	180 - -
Oct. 11 .	Clergyman at Clan William	2,000 - -
	Three post carriers in the Tulbagh District. at 320, 396 and 792 rixdollars per annum	1,508 - -
Oct. 20 .	Second assistant to the receiver-general	900 - -
„ 26 .	Secretary at Cradock	1,000 - -
Nov. 8 .	Three policemen in the Cape District, at 300 each	900 - -
„ 30 .	Church clerk at Cradock	177 4 -
Dec. 28 .	Two constables at Bathurst, at 180 each	360 - -
1821.		
Jan. 3 .	An additional signal-man at Saldanha Bay	360 - -
„ 17 .	Roman catholic clergyman	1,000 - -
„ 25 .	Postmaster at Bathurst	300 - -
June 7 .	Three postholders in the Stellenbosch District	504 - -
July 25 .	An additional black constable at Caledon	60 - -
„ 28 .	Government agent at Cafraria	1,000 - -
Aug. 3 .	A pilot at the Kowie	600 - -
„ 22 .	A woodman for the township of Bathurst	480 - -
Sept. 18 .	Four boatmen at the Kowie, at 360 Rds. each	1,440 - -
„ 26 .	Two do. do. do.	720 - -
Oct. 1 .	A custom-house officer at Port Elizabeth	1,000 - -
„ 31 .	Four constables in the Albany District, at 180 each	720 - -
Nov. 7 .	Clerk to the functionary for the enregisterment of slaves at Stellenbosch	300 - -
„ 15 .	An additional field cornet in the Albany District	200 - -
	An additional messenger in do.	300 - -
	Clerk to the secretary of Albany	300 - -
„ 21 .	Do. do. do.	300 - -
	A porter at government-house, at 1s. per diem	243 2 4
„ 30 .	Postmaster at Worcester	300 - -
	<i>Rds.</i>	26,452 6 4

		Increase per Annum.
	<i>Increase of Salaries to Civil Servants.</i>	
1820.		<i>Rds. sk. sti.</i>
Mar. 15 .	Postholder at Swellendam, from 300 rixdollars to 384 rixdollars per annum	84 - -
April 4 .	Director of the slave-lodge, from 288 rixdollars to 1,800 rixdollars per annum	1,512 - -
Nov. 30 .	Overseer at Robben Island, from 300 rixdollars to 360 rixdollars per annum	60 - -
1821.		
Nov. 30 .	Commandant of Port Elizabeth, from 500 rixdollars to 1,200 rixdollars per annum	700 - -
April 4 .	Two postholders in the Swellendam District, from 198 rixdollars to 234 rixdollars, and from 198 rixdollars to 252 rixdollars per annum	90 - -
„ 19 .	Sexton of the English church Cape Town, from 150 rixdollars to 350 rixdollars per annum	200 - -
	Church clerk of do. from 200 rixdollars to 300 rixdollars per annum	100 - -
Aug. 1 .	Second clerk in the court of appeals office, from 500 rixdollars to 700 rixdollars per annum	200 - -
„ „	Third clerk in do., from 240 rixdollars to 400 rixdollars per annum	160 - -
Sept. 18 .	Signal-man at the Lions Rump, from 300 rixdollars to 420 rixdollars per annum	120 - -
„	Do. at Wynberg, from 120 rixdollars to 240 rixdollars per annum	120 - -
Nov. 15 .	Ten constables in the Stellenbosch District, from 5 rixdollars to 10 rixdollars per mensem	600 - -
	<i>Rds.</i>	3,946 - -

		Amount per Annum.
	<i>Pensions.</i>	
1821.		<i>Rds. sk. sti.</i>
Oct. 4 .	Mrs. Schutt, widow of a clergyman	360 - -
Nov. 30 .	O. M. Bergh, Esq. deputy Landdrost of Clan William	1,200 - -
	<i>Rds.</i>	1,560 - -

RECAPITULATION.

				<i>Rds.</i>	<i>sk.</i>	<i>sti.</i>
Amount of unfixed contingent expenses authorized during the years 1820 and 1821, the payment of which Lord Charles Somerset was necessitated to direct after his return to the Colony in December 1821						
				96,517	6	3 $\frac{3}{4}$
Situations created during the same period .	26,452	6	4			
Increases to Salaries	3,946	—	—			
Pensions	1,560	—	—			
Maintenance of Light-house at Green Point annually	3,060	—	—			
Permanent annual expense entailed on the Colony during the above period <i>Rds.</i>						
				35,018	6	4

[Enclosure No. 5.]

Memorandum.

Upon a comparative review of the revenue and expenditure of the Cape of Good Hope from the commencement of the year 1822 to ultimo December 1825, a diminution in the receipts and increase in the expenditure of the government will appear to have taken place. It is the object of the present statement to account for the augmentation of the expenditure, and the decrease of the revenue during the period in question, and to expose the causes that have given birth to the difficulties that the finances of the Cape have had to contend with.

At the close of the year 1822, the aspect of the treasury was apparently favourable. Compared with the preceding year the revenue had increased by rixdollars 78,491. 2. 4 $\frac{3}{4}$, and the expenditure diminished by rixdollars 71,251. 4. 1. It should be observed, however, that this considerable difference in the receipts arose principally from an increase in the sums for which the wine and brandy farms were let from 1821 to 1822, and which were collected in the latter year, and from large arrears under the head of commando-tax having been paid up from as far back as the year 1818.

A lamentable deficiency had, however, in fact taken place in the receipts, arising from the staple branches of the revenue. The failure of the crops in 1821 sensibly affected the land

revenue and vendue receipts, in which departments alone the public suffered to the extent of rixdollars 118,782. 7, so that the stated increase may actually be pronounced to have been incidental.

Notwithstanding the increased permanent expense entailed upon the colony during the years 1820 and 1821, and the considerable sums incurred in those years, the payment of which it became necessary subsequently to authorize, and notwithstanding the unforeseen calamities before stated, with which the colony had to contend, it will be deemed matter of astonishment, and afford proof of the economy observed in the expenditure of the government, that an actual decrease in the expenditure of 1822 took place when compared with 1821, amounting to rixdollars 71,251. 4. 1.

Owing to a more favourable harvest of grain in some parts of the colony in 1823, which obviated the necessity of the import of foreign wheat, and of the large supplies of rice, &c. which were introduced into the colony in 1822, the receipts of the custom department show a considerable diminution, and the Pachter for the retail of wines and brandies having become insolvent, a difference in the amount of tithes received in 1823 is apparent; upon a comparison of the revenues for 1822 and 1823, it will be seen that a decrease in the latter year took place, amounting to rixdollars 106,450. 4. $5\frac{3}{4}$, mainly attributable to the causes here adverted to.

To a cursory observer it would appear by the accounts that the expenditure of 1823 exceeded that of 1822 by rixdollars 230,110. 7. $0\frac{3}{4}$; but on a more minute inspection of the accounts it will be seen that the amount of this excess is calculated upon the whole expenditure of 1823, compared with only nine months, or three fourths of the expenditure of 1822, and this remark is likewise applicable to the disbursements made under the head of "Expense of Office."

The expenditure incurred in Albany for the erection of buildings, a measure consequent upon the establishment of the settlers in that quarter, amounted to upwards of rixdollars 50,000; the rebuilding of such works as had been destroyed, and the reparation of public buildings rendered uninhabitable by the unprecedented storms of 1822, estimated (in the governor's despatch under date the 5th August 1822, delivered

by Major Cloete) at 125,000*l.* sterling (and for which authority was *then* given to draw, but of which no part has been received), and the construction of a road over the Fransche Hoek mountain, which had been authorised by the secretary of state, threw a very considerable burthen upon the colonial treasury ; and the enclosed statement of the expenses incurred for the erection of schools, and the annual charge on account of teachers, will prove, that in consequence of the expectation (or rather the assurance) held out by Earl Bathurst in his Lordship's circular despatch, dated July 9th 1823, that a grant to meet the expense on this head would be afforded by Parliament, an annual expense (unless the expected grant be made by Parliament) has been entailed upon the public of rixdollars 13,000.

In estimating, therefore, the net expenditure of the colony for the year 1823, these are items which must be considered as extraordinary disbursements, and cannot be included in the regular and permanent expenses of the colony. If they be abstracted from the accounts of that period, it will be found that the augmentation is of too trifling an amount to merit consideration. In the year 1824 it does not appear that any diminution of the revenue took place, except in an item in the tithe department, viz. that which had been derived from the farming of the retail of Cape wines and brandies in Cape Town, in lieu of which the sale of licences had been substituted, and extra duties imposed by proclamations of the 1st October and 14th November 1823 ; this defalcation was unexpected, as the calculations made upon the probable receipts from letting the licences gave reason to suppose that the revenue would be benefited by the alteration. A very odious monopoly, which justly excited much dissatisfaction, was, however, thereby done away with.

On the other hand the expenditure increased during this period. The expense for the maintenance of the lepers had been hitherto defrayed out of taxes levied upon the inhabitants in the several districts, and appropriated to that especial purpose ; but upon its being represented to government that the several districts were incapable of raising the amount annually required, it appeared just, as it was a humane institution, to relieve them from the burthen of it ; and from the

1st of January 1824 the expense has been transferred to the government treasury. This item of expenditure alone in 1824 amounted to rixdollars 44,333. 4. 2.

The accounts for the past year (1825) not having yet been made up, it is not practicable to ascertain precisely the expenditure for this period, compared with the several items of disbursements in 1824. The revenue, however, has again laboured under considerable disadvantages; and a melancholy diminution has been the result, A loss of rixdollars 23,000 has been sustained by the substitution of the sale of licences for the system of farming the Pacht, before alluded to. The receipts in the custom department have fallen off nearly to the amount of rixdollars 30,000; in the land revenue to rixdollars 20,000; and a diminution has taken place in most of the branches of the public revenue. The natural consequence has been the necessity of negotiating a loan with the East India Company to relieve the exigences of the colonial government.

Under such a combination of untoward and uncontrollable circumstances it will cease to awaken surprise that embarrassment should at this moment pervade the financial operations of the government. The revenue for a series of years has been gradually diminishing; and numerous additional and extraordinary expenses have been thrown upon the colony.

The additional expenses incurred in 1820 and 1821 already alluded to; the establishment of the settlers; and the construction of buildings and other expenses consequent thereupon; the reparation of the extensive damages brought on by the storms of 1822; the completion of the road over the Fransche Hoek mountain; the establishment of schools throughout the colony, and the appointment of teachers; the payment of part of the capital on the purchase of the buildings at the naval arsenal at Simon's Town in 1815; the maintenance of the Leper institution, are all items appearing in the accounts of this government since the commencement of 1822; but as not having been contemplated, the greater proportion cannot in justice be considered to be comprehended in the ordinary expenditure of the government.

To these are to be added the following additional items of annual expense.

	£	s.	d.
Pension to Colonel Bird (exclusive of an item of £1,750 to convey himself and family to England) . . .	£800	-	-
Salary to clerk of the council	800	-	-
Ditto to assistant to ditto	150	-	-
Ditto to Reverend Mr. Judge, master of the grammar school, exclusive of the purchase of a house as a school for £2,000	600	-	-
Ditto to Lieutenant Governor	3,500	-	-
Aide-de-camp's pay	182	10	
Forage, lodging, and other allowances	110	-	-
Annual Increase	£6,142	10	-

To arrive therefore at a correct estimate of the expenses of the government from the 1st of January 1822 to the present time, these items should be subtracted from the expenditure of each year; and it will be seen on a comparison with 1820 and 1821 and former years, that the augmentation (if any) is trifling, and not exceeding that which the emergencies of a rising colony would naturally necessitate.

(Signed) CHARLES HENRY SOMERSET.

3rd April 1826.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE OF GOOD HOPE, 3rd April 1826.

MY LORD,—We have the honour to inform your Lordship that His Majesty's Commission under the Great Seal graciously appointing us Commissioners to enquire into the state of this Colony, Mauritius, and Ceylon was read in the Court of Justice on the 28th ultimo by the Honorable Sir John Truter, the President, after which the usual oaths were administered to us by him in the presence of His Honor the Lieutenant Governor, Major General Bourke, the officers of his Staff, the Chief Secretary to Government, and the Members of the Court of Justice.

As we observe that the name of Mr. Gregory, who was appointed under the former Commission to act as Secretary, has not been inserted in the present one, we request that your Lordship will be pleased to inform us under what appointment he is in future to act. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROKE,
W. BLAIR.

[Copy.]

No. 17 G. R. (Signed) RICH. BOURKE.

Ordinance of His Honor the Lieutenant Governor in Council,
For removing all Prohibition to the Importation of GRAIN
and FLOUR into the Ports of these Settlements, for a
Limited Time.

Whereas it is necessary to provide against the injurious consequences which may result to this Colony from the General Failure of the Grain Crops at the last Harvest, and to remove all Prohibition to the Importation of Grain and Flour into the Ports of these Settlements, for a time to be limited :

It is therefore enacted by the Lieutenant-Governor in Council, that from and after the Publication of this Ordinance, and for the period during which it shall continue to be in force, the 5th Section of the Proclamation of the 8th February, 1822, shall stand repealed, and be of no effect.

And it is further enacted, that all Pulse, Grain, and Flour, of whatever description, shall be admitted into any of the Ports of this Colony, from the Date hereof, until the 31st day of December of the present Year, 1826, upon Payment of the following Duties of Customs, and no more :—that is to say, a Duty of Three per Cent *ad valorem*, upon all Pulse, Grain, and Flour, imported in British or Foreign Ships.

And it is further enacted, that this present Ordinance shall be in force until the 31st day of December next, and no longer.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 3rd Day of April, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

[Original.]

Letter from MR. JOHN VALLENTINE to EARL BATHURST.

STRATFORD ON SLANEY, *April 3rd 1826.*

MY LORD,—I have the honour to lay before your Lordship the copy of a letter which I received from Mr. William Shepherd, dated March 26th, which is as follows :—

I have to inform you that His Majesty's Government has agreed to bear the whole expense of your going out, but half of the expense must be reimbursed to the Government by you when at the settlement in a limited time. If you are willing to proceed and enter into engagements accordingly you must send me an answer immediately, with three pounds sterling for yourself, wife and family, for incidental expenses, an assurance you will go, before your name can be sent in to Government.

The above is a correct copy of Mr. Shepherd's letter.

My Lord, having a brother a settler in the Cape of Good Hope, I would wish to embrace the first opportunity of going to him, and am happy to find that his Majesty's Government is giving a grant. I humbly beg your Lordship would let me know the several grants, i.e. how much land, cattle, and seed, and if there is any other provision I beg your Lordship will inform me so, and also let me know whether it is to East Smithfield or to the Colonial Office I am to send the £3 which

Mr. Shepherd mentioned. I would like to know when and where I am to embark, as I have decided on going as soon as I receive your Lordship's answer. I am &c.

(Signed) JOHN VALLENTINE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to A. BORRADAILE, ESQRE.

DOWNING STREET, 6th April 1826.

SIR,—In reply to your letter of the 1st instant I am directed by Earl Bathurst to acquaint you that as no answer has been received from the Treasury on the subject of the Currency at the Cape of Good Hope, his Lordship has been pleased to comply with your request in again urging the consideration of that question. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to CAPTAIN DAMANT.

DOWNING STREET, 7 April 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 26th ultimo and to acquaint you in reply that although his Lordship will readily give you a letter to the Governor of the Cape of Good Hope desiring him to grant you every facility for so doing, yet that it is not possible to empower you to select the land which you may wish to bring into cultivation. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET, or
the OFFICER administering the Government.*

DOWNING STREET, LONDON, 8 April 1826.

MY LORD,—I transmit enclosed to your Excellency a communication which has been received from the Board of Treasury requesting an explanation of the circumstances under which D. Cawood, a settler, has, according to his own assertion to his friends in this Country, deposited a sum of money with your Excellency's Government, for the purpose of being remitted to them. I have &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET or
the OFFICER administering the Government.*

DOWNING STREET, LONDON, 9 April 1826.

MY LORD,—I have the honor to transmit to your Excellency copy of a letter which has been received from the Foreign Office transmitting copy of a dispatch from His Majesty's Minister at the Diet of Frankfort, in which it is requested that the authenticity of the documents enclosed may be attested ; and I have to request that your Excellency will take measures for having these documents duly legalised and returned to me.

I have &c.

(Signed) BATHURST.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *April 9th 1826*

MY LORD,—The great difficulty in procuring skilful artificers in this Colony has necessarily led to the frequent employment of incapable persons in the construction of public works both for colonial and military purposes, and has thus occasioned a very heavy and constant expense in repairing what has been badly executed. The means by which it has hitherto been attempted to supply the want of competent civil artificers have been both insufficient and inconvenient, namely by requiring the Regiments in Garrison to furnish to the Engineer Department what Artificers they possess, by which the Regiments are weakened and the wants of the Colony and Military Departments are not competently supplied. I would therefore venture to suggest to your Lordship the expediency of applying to His Royal Highness the Commander in Chief to station a Company of the Staff Corps in this Colony. The state of the Colonial finances will not indeed allow me to engage that the expense of this additional force shall be altogether defrayed by this Treasury, but I would propose that whilst the whole or any part of this company was employed on works strictly colonial, not connected with the Ordnance or Commissariat Departments, that the expense should be borne by the Colony by paying into the Military Chest here the amount of all pay due for the time that the Company or any part of it should be so employed. If upon these terms a full Company of the Staff Corps shall be added to this Garrison, a very important benefit will be obtained by the Colony at no very heavy expense to the British Treasury. I have &c.

(Signed) RICH'D. BOURKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or*
the Officer administering the Government.

DOWNING STREET, LONDON, 10 April 1826.

MY LORD,—I have the honor to transmit to your Excellency herewith enclosed copy of a letter which has been addressed to my Under Secretary of State by the Secretary to the Board of Treasury, enclosing an Account shewing the debt due from the Colonial Government of the Cape of Good Hope to the Military Chest, up to the 24th of June last; and I have to desire that your Excellency will take measures for the liquidation of this debt. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

EAST INDIA COMPANY'S CHINA SHIP *Atlas*,
 AT SEA, 10th April 1826.

MY LORD,—Having on the receipt of your Lordship's Despatch of the 27th September last, No. 192, communicated the Contents thereof to Commodore Christian, commanding the Naval Force at the Cape, I had the mortification to learn from that Officer that he had no expectation of the Arrival of His Majesty's Ship *Samarang* from the Eastward until the present or even perhaps the next month; I therefore anxiously awaited the arrival of His Majesty's Ship *Rainbow*, in the hope that the Commodore would feel himself authorised to appropriate that Ship to Convey me to England, particularly as Your Lordship mentioned in your Letter of the 9th July last, that the Ship which conveyed the Lieutenant Governor to the Cape would have Instructions to return to England with me. On the Arrival therefore of His Majesty's Ship *Rainbow*, I addressed a Letter to Commodore Christian, of which and of his reply thereto, I have the honor to transmit copies.

Finding from the communication from the Commodore that

there was no probability of my reaching England previous to the expiration of the present Session of Parliament, by any means which could be afforded from the Squadron on the Cape Station, I decided upon adopting the Suggestion thrown out by Commodore Christian and took my passage in this ship, which measure I trust will meet with Your Lordship's Sanction.

I left the Cape on the 5th of March, having made over the Government and the Command of the Military Force to the Lieut. Governor; and shall have the honor to report myself to your Lordship as soon as I land and can reach London.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

GOVERNMENT HOUSE, CAPE TOWN, *February 9, 1826.*

SIR,—The arrival of His Majesty's Ship *Rainbow* in Table Bay induces me to draw your attention to the very peculiar Situation in which I am placed. You are aware I believe of the Notification given by Mr. Canning in the House of Commons on the 23rd June last relative to my having permission to return Home to answer charges preferred against me in Parliament, in my public Character. To enable me to comply with this, Earl Bathurst informed me (in a private communication) that the Ship which would take General Bourke out would have directions to bring me Home, if I decided on returning Home. Since that the Admiralty have (as I believe you are aware) placed the *Samarang* at my disposal. This change I conceive took place in consequence of the *Rainbow* not being so early ready as was at first anticipated, and the object of my return being to be present during this Session of Parliament, if I await the Arrival of the *Samarang* the whole object of my return will be frustrated. I therefore take the liberty of soliciting you to permit the *Rainbow* (the Ship originally destined to take me) to return with me, and as the *Samarang* is of the same Class and Force as the *Rainbow*, I beg to suggest that it might perhaps meet the object of the Service if the *Samarang* were ordered to pursue the Orders given to the *Rainbow*. And as Captain Willson is about to proceed with the *Martin*

to the Eastward, he might perhaps be enabled to convey these orders to the *Samarang*, whereby all delay and impediment might I trust be avoided. I have &c.

(Signed) CHARLES HENRY SOMERSET.

To Commodore Christian.

[Enclosure 2 in the above.]

Owen Glendower,
SIMON'S BAY, February 22, 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Letter, requesting that in obedience to the Commands of My Lords Commissioners I would place a Man of War at Your Lordship's disposal to convey you to England.

I lament exceedingly that it is not in my power to do so at an early moment, because His Majesty's Ship *Samarang* has recently sailed from the Isle of France on a cruise round the Seychelles and Madagascar and His Majesty's Ship *Martin* is ordered to India.

Captain Rous of His Majesty's Ship *Rainbow* is not instructed to put himself under my Command, but is destined for India ; and the renewal of hostilities in that quarter will not permit me to interfere in any way with him.

Therefore as it is not in my power to obey my instructions and furnish Your Excellency with a Man of War, I take the liberty of suggesting to Your Lordship that the Honourable Company's Ship *Atlas* may possibly afford the necessary accommodation, and it appears to me for the good of the King's Service that your Lordship might avail yourself of such an opportunity of returning Home, and which would prevent the necessity of withdrawing a Man of War from this Station.

I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

To Lord Charles Somerset.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *April 10th 1826.*

MY LORD,—I have the honor to enclose the copy of a letter to the Chief Secretary of this Government from the Revd. Thos. Ireland, Chaplain to the Forces and lately appointed Colonial Chaplain at Graham's Town. The object of this correspondence on the part of Mr. Ireland is to state his desire of holding a Military Chaplaincy together with that to which he has been named at Graham's Town, and to the former of which he lays claim as having expressed himself to this effect to Lord Charles Somerset when the Colonial Chaplaincy was first offered to him. Mr. Ireland however does not desire to keep the Chaplaincy of this Garrison together with his late appointment at Graham's Town, but lays claim to a Military Appointment there in conjunction with the Colonial, such as may enable him to retain his right to half pay from the War Office.

Lord Charles Somerset can best inform Your Lordship how far Mr. Ireland's claim is well founded, but I would respectfully express my opinion as unfavorable to creating a precedent for pluralities in this new Country. If however it should not be thought expedient to appoint a separate Military Chaplain for the service of this frontier Your Lordship will probably think it right to obtain from the Secretary at War an allowance to the Colonial Chaplain at Graham's Town for attendance on the Troops. At present One pound per week is issued from the military chest to the Revd. Mr. Hough, Colonial Chaplain at this Place, for doing Mr. Ireland's duty in this Garrison. I think it right to add that Mr. Hough has expressed to me an anxious desire to be relieved from this employment that he may be at liberty to devote the more time to his Parishioners.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

GRAHAM'S TOWN, *March 25th 1826.*

SIR,—I had the Honor to receive yesterday your communication dated 17th March in reply to mine dated Graham's Town February 28th, and also the Copy of a Despatch from His Excellency the Governor to Earl Bathurst dated Cape of Good Hope 21st July 1825, on the subject of an appointment to the Chaplaincy at Graham's Town.

In your communication I am informed that His Honor the Lieutenant Governor cannot enter further into the question, which my communication of the 28th February 1826 embraces, in consequence of a Letter from me to His Excellency alluded to by His Lordship, but which has not been recorded in the Office. Permit me to request you will communicate to His Honor the following Copy of the Letter, which I beg leave to lay before you for that purpose :—

GRAHAM'S TOWN, *July 12th 1825.*

MY LORD,—I had the Honor to receive on Friday last the communication which your Excellency has been pleased to send me, and I greatly feel your Lordship's consideration in the offer of the Colonial Chaplaincy. The small increasing half pay, to which my Military appointment now annually entitles me, was the inducement with me to express the wish to hold it for a few Years, whilst at the same time it led me to add that if your Lordship would be pleased to continue me at Graham's Town on the same allowances that Mr. Geary had, the only difference being in the moiety thereof, I would undertake the Clerical Duties there. I was the more induced to name it to your Excellency, as Graham's Town is the Chief Station for the Troops on the Frontier Service, and where the Duties of Military Chaplain are about as many as those of the Colonial one. Your Lordship will, I hope, excuse this reference to observations made when I had the Honor to wait on Your Excellency in Cape Town. I have &c.

(Signed) THOMAS IRELAND, Chaplain.

I trust, that from the perusal of this letter it will appear to His Honor that it was far from my intention to resign my Commission as Brigade Chaplain, and that His Excellency must, in the midst of more important duties, have mistaken the intent of my letter, if His Lordship's Dispatch imports such resignation, yet I think, and it is with much deference I venture to name it, that the Words may have reference only to Cape Town, which Military Station would then be resigned, and another Military Chaplain there wanted, which would give rise to the consequent necessity of a communication with the Secretary at War. What I wished to express in my letter was, that in *addition* to the Military Appointment I should be glad if His Lordship would add to it one of the Colonial Chaplaincy also.

From the first communication I had with His Excellency on the subject of the Chaplaincy in Cape Town early in October 1824 to the time of my last letter July 12th 1825 I never had the most distant intention of giving up the Military Chaplaincy. Of this I have letters by me which would sufficiently shew, were they to be laid before His Honor, but which I withhold, as they are in some degree of a private nature, moreover I would name Gentlemen with whom I am acquainted, who can bear Testimony to my invariable declarations, when speaking of the appointment at Graham's Town, that I would not resign the *Military* appointment for the Chaplaincy at that Place. I could easily enter into many more particulars, but I fear to encroach upon His Honor's engagements; yet I shall be ready to give detailed accounts, if further information should be required. I will only add, that in a letter from me to His Excellency, dated 28th February 1826, which I fear would not reach Cape Town before His Lordship sailed, is the following paragraph:—

“I hope that the notification made by Earl Bathurst to the Secretary at War was only to this effect, that in *addition* to the Duties of Military Chaplain His Lordship had been pleased to appoint me to the performance of those of the Colonial Chaplain also.”

At the time I wrote the above paragraph I knew not the specific nature of the appointment, that is, whether it was Military and *acting* Colonial, or Colonial *solely*; having received

only by the Post before I wrote a short Official Notice of an appointment without further information.

From the brief statement I have been led to give for His Honor's consideration, he will, I trust, perceive the object I have had in view, and that I never, for a moment, sought for the Colonial Chaplaincy, if it was to be obtained by the resignation of the Military appointment: so little inclination have I indeed for the former, that rather than hold it alone, I would immediately resign, and solicit His Honor's permission to return to my native Country. I make this remark for the sole purpose of evincing the *Feeling* which actuates me now, and has done so since my almost first arrival at Graham's Town, a Feeling not generated by the treatment I have received and do receive, for it is and always has been kind and obliging on the part of all with whom I have had intercourse, and far beyond what I had reason to look for, or expect; but from causes which are incident to the appointment.

In referring to the "Terms of Service of Army Chaplains," I find that no Chaplain can resign his *Commission* and accept another appointment until he has made a declaration in writing, whether he does or does not wish to be considered as any longer attached to the Army; hence I may infer my Military Commission, as Brigade Chaplain, is yet in force, as I have not made the application required, never conceiving that either Lord Charles Somerset or Earl Bathurst considered such *resignation* necessary for the attainment of the Office I applied for.

I regret most sincerely that any misunderstanding should have arisen, but hope, should His Honor be satisfied with the explanation, that he will do me the honor to represent my case to the Secretary at War and to Earl Bathurst, who will perceive I have from the first had but one object in view, a wish to add to my military appointment the duties and allowances of the Colonial Chaplaincy. I have &c.

(Signed) THOMAS IRELAND, Chaplain.

The Secretary to Government.

[Copy.]

Letter from T. P. COURTENAY, ESQRE., to LORD CHARLES SOMERSET.

LONDON, APRIL 10th 1826.

MY LORD,—I have been urged by the Merchants connected with the Cape of Good Hope to submit to His Majesty's Government some matters relative to the Trade of that Settlement, which appear to me so well deserving of attention as to require that I should lay them before Your Excellency, with the view of obtaining your Instructions with regard to them.

2. The Act 6 Geo. 4 cap. 114 sect. 73 continues to His Majesty the power of making regulations touching the trade and commerce of the Cape. In virtue of this power, the several Orders in Council of the 24th of September 1814, the 12th of July 1820, and the 19th of September 1823, are now in force.

3. The Order of the 12th July 1820 permits British vessels, and foreign vessels under certain conditions, to import into the Cape, from any Country in amity with His Majesty, any articles of the growth, production, or manufacture of such Country, excepting all articles composed of cotton, iron, steel, or wool of foreign manufacture. The first question then to which I have been desired to call Lord Bathurst's attention is, whether this exception is consistent with the spirit of the Laws which have been lately passed for the encouragement of Trade and Navigation ?

4. It has been suggested that if it should be thought expedient to issue a new Order for the purpose of repealing this exception, there will be much convenience in including in one general Order all the regulations which may be necessary for the import, export, and transit trade of the Cape.

5. The Orders of His Majesty in Council do not provide, nor are they intended to provide, for the regulation of the Trade in all respects. But as the interests of the Settlement will doubtless be forwarded by whatever tends to the certainty and uniformity of commercial transactions, I am desirous of submitting to His Majesty's Government, with your Excellency's sanction, the propriety of comprehending in His Majesty's Orders in

Council, all such more important matters as are within the United Kingdom regulated by Act of Parliament.

6. I would submit that the provisions of the Act to regulate the Trade of the British possessions abroad, might conveniently be embodied into an Order in Council applicable to the Cape of Good Hope.

7. The 4th Section of the Act, to which I have referred, gives to His Majesty a power of permitting the ships of Foreign States to trade with his possessions abroad, whether or not those States have admitted His Majesty's subjects to trade with the foreign possessions of those States themselves. It appears to me that it would be very convenient that one Order in Council, applicable to the Cape, should specify the Foreign States whose ships may be admitted at that Settlement ; and I trust that I might be permitted to suggest that the situation of the Cape, which is the intermediate port between Europe and those British possessions, the East Indies, to which Foreigners and Foreign Ships are permitted freely to resort, points out the expediency of acting, in the largest sense, upon the powers given to His Majesty in respect of the admission of Foreign ships.

8. I have also been requested to represent to this Government that Sugar imported from the Mauritius into the Cape, and exported into the United Kingdom, loses the benefit of the Mauritius duty, which is lower than that to which it is liable when brought from the Cape. As this intention appears to be to place the Sugars of the Mauritius upon a footing equally favourable with those of the West Indies, I would submit the propriety of charging such sugars and other bonded articles, when brought to this country from the Cape, upon the scale of duty to which they would have been subject if imported direct from the Mauritius.

9. Among the matters of regulation particularly pressed upon my attention there is one which, in the present state of the law, is susceptible of regulation by this authority of the local Government. This is the propriety of allowing a Drawback on Wines exported from the Cape to the extent of the duties now paid upon the casks and other articles used in making up the Wine for Exportation. The late Act for increasing the duty on Cape Wine imported into the United Kingdom renders this a matter of considerable importance. Your Excellency will be the best

judge whether this relief can be afforded to the growers and exporters of Wine consistently with the financial interests of the Colony. I have &c.

(Signed) THOS. PER. COURTENAY.

[Original.]

Letter from MR. JAMES WILSON to EARL BATHURST.

GEORGE TAVERN, NEWGATE, *April 10th 1823.*

MY LORD,—I am one of the persons come to London with my family in hopes of being sent at the expense of Government to the settlement near Graham's Town, Cape of Good Hope, agreeable to some arrangements that are said to have been made with a Mr. Shepherd, who is acting as agent and receiving deposits of money from us on our arrival in London, and which we are at present very unable to pay. There being upwards of forty others already in London similarly situated, we beg most respectfully your Lordship will give directions for our being put on board a ship as soon as possible, for the greatest inconvenience will arise from delay, as many are poor and have come a great distance with their families, and must very soon appeal to the public for means of support, as it is said we are to remain here until the whole are collected, which will in all probability be some considerable time first; with a view to lessen the expences and inconvenience of living in London, we beg to suggest to your Lordship the advantages that an early embarkation would afford, for on enquiry we find that there are ships sailing frequently for the Cape of Good Hope, which could accommodate forty or fifty each, and which would receive us immediately and victual us at half the expence we are now at, with many other advantages I could point out if necessary both to us individually and to those we are connected with on the other side.

Hoping your Lordship will be pleased to take these suggestions into consideration, and as far as you may think fit give directions for carrying them into effect, for I am well convinced delay

will create the greatest inconvenience and destroy the hopes and expectations of all concerned, I am &c.

(Signed) JAMES WILSON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or the*
Officer administering the Government.

DOWNING STREET, LONDON, 11 April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatches of the 29th of January and 8th of February last, in the former of which you enclose the proceedings which had passed in the Council of your Government upon the subject of two periodical publications which your Excellency in Council had directed to be suspended in consequence of their being issued from the Press without a Licence from your Government.

In the other dispatch your Excellency encloses communications which had been addressed to you by His Majesty's Commissioners of Enquiry on the nature of the restrictions which were imposed on the Press by the Laws of Holland and West Friesland.

Upon this subject I can only instruct your Excellency that the propriety of granting or withholding a Licence for the publication of a Journal, must depend upon the consideration which your Excellency in Council may bestow upon each case, and the only positive direction which it may be necessary for me to convey for your guidance in the decision of such cases, is, that you should require every person who proposes to publish to deliver in a Prospectus by which he is afterwards to be guided, of the Journal for which he solicits a Licence; and that no licence should be granted to any individual who declines furnishing a distinct exposition of the character of his intended publication.

Your Excellency in Council has, therefore, judged correctly that the course originally pursued by the Printer Greig, of stating in a form of a prospectus the specific nature of the

subjects which he proposed to discuss in his intended publication, should be adhered to in other cases. I desire your Excellency, however, to understand, that in restricting Mr. Greig to the limits which he had himself assigned to his publication, it was not in my intention that such restrictions should be so literally adhered to as to form the rule and condition upon which a Licence should be granted to future publishers. I have &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET or the
Officer administering the Government.*

DOWNING STREET, LONDON, 11th April 1826.

MY LORD,—Among the enclosures annexed to your Excellency's dispatch of the 29th of January last, to which I have replied by my instruction of this day's date, I observe an application from Mr. Greig, the Printer who was employed by Mr. Fairbairn to publish the unlicensed Journal called the New Organ, enquiring whether the same indulgence with respect to Postage would be extended to that Journal which was allowed to other periodical publications.

From an application which Mr. Greig addressed to me upon a former occasion for the purpose of soliciting an exemption of postage for his own Journal, I collect that this duty amounts to about three pence Sterling, although from the tenour of the late application made by Mr. Greig on behalf of Mr. Fairbairn, it is to be presumed that such duty has been very considerably reduced in favor of the periodical press. If this be the case, I take it for granted that independently of postage these publications are subjected to a moderate Stamp duty. At all events, I see no reason why they should enjoy the same privileges with respect to postage which are allowed to the *Government Gazette*, and I would, therefore, recommend that your Excellency in Council should maintain the duty of postage, the amount of which indeed I have already had occasion to point out to you

as inadequate to meet the heavy expenditure of the Post Office ; and also subject all periodical publications, (including the *Government Gazette*) to a Stamp duty. I have &c.

(Signed) BATHURST.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to R. W. HAY, ESQRE.

ABINGDON STREET, *April 11th 1826.*

SIR,—I have recently thought it my duty to address the Governor of the Cape of Good Hope a letter founded on representations which I have received from several Merchants trading with the Colony, on several matters connected with its Trade and Navigation.

As it appears probable that Lord Charles Somerset will soon be in England, and he may possibly communicate with Earl Bathurst upon the subject of my letter, I take the liberty of transmitting to you a copy of the same, in order that if His Lordship should think any of the suggestions worthy of attention, he may have full time for considering them.

I have &c.

(Signed) THOS. PER. COURTENAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, *12 April 1826.*

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a copy of an application which his Lordship has received from one James Wilson ; and I am to desire that you will immediately send to me for his Lordship's information a copy of the letter which you wrote to Wilson and explain the circumstances under which you have brought that Individual as well as others to London. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET or the
Officer administering the Government.*

DOWNING STREET, LONDON, 13 April 1826.

MY LORD,—I transmit to your Excellency herewith enclosed a copy of a communication which has been received from the Board of Treasury, together with a Report from the Commissioners of Colonial Audit on the Accounts of Lieutenant General Sir Rufane Donkin as Acting Governor of the Cape of Good Hope from the 14 January 1820 to the 30 November 1821. To these Papers are annexed Abstracts of the Accounts, detailed Lists of Surcharges, and other Papers relating to matters upon which the Commissioners have specially remarked.

As I consider it unnecessary to recapitulate all the points to which The Lords Commissioners of The Treasury have called my particular attention, I shall only state that I rely upon your using your best exertions to carry into effect the wishes and suggestions of their Lordships, whether for preparing full and satisfactory explanations upon particular services which have been undertaken without due authority, or with a view to your taking measures for obtaining the repayment of monies which have been improperly issued.

Your Excellency will observe in the List of Surcharges and items of Expenditure which have been reserved for further explanation, several charges which have in fact already received my sanction, or respecting which I have directed you to transmit to me more detailed information. But I have thought it desirable to send to you the whole of the Papers in the connected Shape in which I received them; and it will be convenient that you should return them in the same state. I have &c.

(Signed) BATHURST.

P.S. Since the above letter was written, I have received your Excellency's dispatch No. 258 of the 23rd of January, enclosing two Proclamations issued by Sir Rufane Donkin on the 15th September and 6th October 1820 for establishing Courts in the Subdrostries of Clanwilliam and Cradock.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or the*
Officer administering the Government.

DOWNING STREET, LONDON, 14 April 1826.

MY LORD,—In considering the List of Surcharges annexed to the Accounts of Lieutenant General Sir Rufane Donkin which I transmit to your Excellency by this opportunity, I have observed with great surprize the issue of a payment to Mr. Blair the Collector of Customs which he in fact had already received from the Colonial Agent in this Country.

This is an occurrence of such an extraordinary nature that you will not merely take all the measures in your power, as recommended by The Lords Commissioners of His Majesty's Treasury, for compelling Mr. Blair to refund the payment so improperly obtained by him with interest thereupon ; but you will also feel it your duty to make the fullest enquiry into all the circumstances of the transaction in question and report to me your opinion how far it affects Mr. Blair's conduct as a public Servant. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE *to* EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, April 14th 1826.

MY LORD,—I have the honor to enclose the copy of a letter from the Deputy Port Captain of Table Bay stating the inadequacy of his Boat's Crew to the active service required of them, and requesting that in order to enable him to procure better Men more liberal wages may be given, the present being below those given in the Merchant Service to able bodied Seamen. Your Lordship having in your despatch of the 6th October last (No. 199) expressed a desire that the duties of the Port Captain should be efficiently discharged for the benefit of the trade of the Colony, I have thought it my duty to accede to the request of Lieutenant Pedder, and to allow an additional

expense of about £13 per mensem on his Establishment. To meet this I propose to sell off one of the Government Vessels bought for the purpose of the coasting trade, which appears to be now so firmly established as to require no further assistance from Government. Some of the Merchants engaged in this trade have proposed to buy the Vessel, and Lord C. Somerset had agreed to the measure before His Excellency's departure for England. The reduction of the monthly charge for the Master, Crew, and Wear and tear of this Vessel will amount to £25, which will leave a balance of £12 per mensem in favor of the Colony. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

PORT OFFICE, April 7th 1826.

SIR,—I beg leave for your information to state the present Boat Crew of this Establishment is perfectly incompetent to the duty of boarding Ships in Stormy weather or of communicating with Vessels in distress; able Men will not engage at £2 5s. per Month while the Merchants are giving £4 10s. per Month. Allow me Sir to solicit The Hon'ble. the Lieutenant-Governor's permission to raise the Wages to £3 15s. per Month, and to hire a sufficient Room for the Crew that they may be night and day at Command, the Estimate of which I have the Honor to enclose.

	£	s.	d.
Six Men at £3 15s. per Month	22	10	0
Coxswain at £4 10s. per Month	4	10	0
Rooms sufficient for the Crew contiguous to the Office at £1 17s. 6d. per Month	1	17	6
	£23	17	6

I have &c.

(Signed) G. M. PEDDER, D. P. Captain.

The Secretary to Government.

[Original.]

Letter from SIR RICHARD PLASKET *to the* COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, 14 *April* 1826.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of yesterday's date, and in reply to transmit to you a copy of a letter addressed from this office to the Landdrost of Somerset on the 30th September last, acquainting him that no grants of Land could be made in that District until the pleasure of Earl Bathurst should be known respecting the restriction to free labour; and also a copy of the Despatch addressed by Governor Lord Charles Somerset to Earl Bathurst requesting His Lordship's determination upon that subject.

I have &c.

(Signed) RICHD. PLASKET, Sec. to Government.

[Original.]

Letter from MR. ABRAHAM BORRADAILE *to* R. W. HAY, ESQRE.

NO. 25 ROOD LANE, 14th *April* 1826.

SIR,—After your obliging letter of the 6th Inst. stating that Lord Bathurst had been good enough to apply again at the Treasury upon the subject of the Cape Currency, I am afraid it may bear the appearance of pressing his Lordship beyond what is decorous, to mention the subject again, still I feel it is my duty to inform you that since the receipt of your above named favour I have received, in common with almost every one interested in the Trade to the Cape, numerous letters stating the great distress and confusion arising from what is *there* still considered the uncertain state of the question.

So far back as the month of October last I had a conversation with Mr. Herries at the Treasury, the substance of which he permitted me to forward to the Cape, and which expressed in the most decided terms the determination of His Majesty's

Ministers to adhere firmly to the measure ; but neither this nor the still more *authoritative* information of Mr. Blair the new Commissioner to the same effect, have destroyed the strong hopes entertained by the colonists that the representations sent home by Colonel Bird will change the opinion of Government on the subject. Having been recently informed by Mr. Herries, as I had the honor of stating to you, that the Lords Commissioners of the Treasury having considered the able representation made by Colonel Bird on the subject still remain firm in their original opinion, and that an official communication would be made to that effect thro' the Colonial Office, I am extremely unwilling to press the affair further in that quarter, where its importance to the tranquillity and prosperity of the Colony is not perhaps so well appreciated as it is in your Department, and I therefore feel confident that you will hold me excused in earnestly entreating that some decided proof of the intentions of His Majesty's Government (whatever they may be) may be given thro' the Colonial Office to the Government at the Cape at the *earliest possible period*, as that alone can allay the ferment which at present is putting almost an entire stop to commercial transactions in that quarter. I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Cape of Good Hope Trade Committee.

[Original.]

Letter from DR. JOHN ATHERSTONE *to* EARL BATHURST.

CAPE TOWN, 14 April 1826.

MY LORD,—The great benefits which have been lately conferred on the Colony of the Cape of Good Hope prove most clearly that a very lively interest in its prosperity continues to exist in Great Britain, and induce a well grounded belief that your Lordship would be disposed favourably to receive and consider any plan that had for its object the welfare of its inhabitants.

With this impression I beg to state that although numerous and excellent Public Schools have been established in the

Colony, yet there is no Institution where knowledge on philosophical subjects can be obtained, and consequently the most profound ignorance exists with the young Dutch, and others educated here, on all subjects of science ; this reproach they are most anxious to avert, and last winter pressed me so strongly to give a course of lectures on Natural Philosophy and Chemistry that I deemed it right to make His Excellency Lord Charles Somerset acquainted with the fact, and my intention of complying with the wish so generally expressed, should it meet His Excellency's approbation. I have great pleasure in informing your Lordship that His Excellency promptly and kindly entered into their feelings and encouraged me to the undertaking, first by giving it his patronage and support, and afterwards by frequently honoring the lectures with his presence.

This, My Lord, was the first attempt ever made at the Cape of Good Hope to give public lectures on any subject of science ; they were orally delivered, and aided by demonstration and experiment, but for further information respecting them I beg to refer you to His Excellency.

I have been frequently requested to continue to lecture, but my professional duties leave me so little time that I find it to be impossible without I relinquish my profession, for which certainly no adequate compensation could be given me by those who might be expected to attend the lectures.

I beg therefore to propose to your Lordship that a Public School of Natural and Experimental Philosophy and Chemistry may be established, and supported at the Cape of Good Hope, by the British Government ; that the Institution may be provided with all necessary chemical and philosophical apparatus, and that persons of both sexes, when of a proper age, may be admitted free of expence, or for a trifling sum on entrance.

Should this meet the approval of His Majesty's Ministers, I shall feel highly honored in being appointed to deliver the lectures, and will use every exertion to make them as generally useful as possible. I have &c.

(Signed) JOHN ATHERSTONE,
Fellow of the Royal College of Surgeons in London.

[Original.]

Letter from DR. JOHN ATHERSTONE to LORD CHARLES SOMERSET.

CAPE TOWN, 14 April 1826.

MY LORD,—The day following your much regretted departure, Mr. Jardine made known to me Your kind offer to lay before Lord Bathurst my view of establishing in this Colony an Institution where the various branches of natural Philosophy and chemistry may be taught free of expense.

I have now the honour to enclose for your perusal a letter to Lord Bathurst on this subject, and should it meet Your approval, I shall feel grateful, and highly honored, if You would give it the powerful aid of Your recommendation.

As the most complete ignorance on all subjects of science exists in this Colony, it can be no more necessary for me to point out the great advantages which would result from an Institution of this nature, than to advance arguments to prove wisdom more desirable than folly. Had the farmers of this Country possessed as much knowledge as one or two Courses of Lectures on chemistry as applied to the arts would have given them, our Wines would have a very different character, the Wine Farmer would be rich, and the revenue considerably greater than it is now. Had the Corn Boor known the great value of manure, and the mode of preparing various composts for different soils, instead of allowing it to accumulate in his Kraals, as I have seen it, twelve feet high, with a base of sixty feet, and upwards, he would have led it on his lands, improved their quality, and increased his returns. A knowledge of Mechanics would frequently save him a great deal of labour, and often enable him to lead water on lands, which now are never irrigated; but I find I am endeavouring to shew, the utility and necessity of that which is self evident, and requiring no elucidation from me; indeed in what light so ever an Institution of this nature may be viewed as connected with this Colony, it will be evident that it is eminently well calculated to be productive of the greatest benefit not only to those who may actually receive instruction within its walls, but also to the whole Colony.

The Boors and Wine Farmers of the present day cannot

indeed be expected to derive much advantage from it, but the rising generation now universally speaking the English Language will strongly show its influence, when in after time they become dispersed over the Colony, and communicate their newly acquired knowledge to those whom distance prevents visiting the Cape, thus disseminating to the very boundaries of the Colony the germ of Science, pregnant of future good.

Should an Institution of this nature be established, I would propose that three Courses of Lectures should be delivered annually, that one Course in each year should be exclusively devoted to Chemistry, and two to the various branches of Natural Philosophy which can never cease to present fresh objects for enquiry; that each Course should occupy about three months, and that three lectures should be given every week.

That a house should be provided sufficiently large for the Lectures with room and proper conveniences for preserving the Philosophical and Chemical apparatus.

The responsibility and the duties of the Lecturer would be great, the whole of his time would be devoted to the public; I presume a house would be found for him, and the respectability of his situation supported by adequate funds. The Chemical and Philosophical apparatus should be furnished on a liberal scale, as much of the success of the Lectures will depend on the power and variety of the Instruments, for it is universally allowed that an explained experiment will make a much deeper impression on the mind, than the most elaborate description. In selecting the apparatus much judgement will be necessary, and as the Colonial Government is already in possession of a small collection, I have enclosed a list of the different articles.

There is a house well situated in Town, now for sale for £1000 in good condition, which will answer for the Lectures; it contains two rooms Fifty feet by Twenty, and three small rooms.

If, through Your Lordship's recommendation, the Institution be established, it is highly proper that Your Lordship's name be perpetuated to Posterity as its Founder; and though I may be deemed guilty of presumption in asking it, I cannot deny myself and others the pleasure it will give to see a full length Portrait of Your Lordship, suspended in the most conspicuous

part of the Lecture room, the property of the Institution. If your Lordship will do my Brother-in-law the honour to sit to him for this purpose, You will be doing an act of Justice to Posterity, who have a right to have handed down to them the name and lineaments of all those who in any remarkable manner, have benefited their fellow creatures. My Brother-in-law, Mr. Barber, to whom I have written on this subject, is possessed of considerable talent as an Artist, has been long known to Sir Thomas Lawrence, who can vouch for his ability, and has had the honor of taking some of our distinguished Noblemen and Public Characters of the day, and I have not a doubt will give satisfaction both in the painting and the likeness. The Painting must be the property of the Institution, for which I will arrange with my Brother, but as I am well aware there are hundreds in Cape Town who would be delighted at having an opportunity of purchasing a Portrait of Your Lordship, it would be most desirable that an engraving by an eminent Artist should be taken from it. I have no doubt that this would prove a source of much profit to the Engraver, as great numbers of impressions would sell in the Colony.

The arrangement of the picture must be left to Your Lordship's friends, but I think it should be as far as possible indicative of the subject it is intended to commemorate, with perhaps, in the back ground, a distant view of Table Mountain.

I beg to apologise for the length of this correspondence, and to assure Your Lordship that I am with unfeigned esteem &c.

(Signed) JOHN ATHERSTONE.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, OLD BROAD STREET, *April 14th 1826.*

SIR,—In reply to your favour of the 12th Inst. I beg to state that no person of the name of J. Wilson has applied to me for a passage, neither am I aware of any one person being brought to town by any letter that I have written, as I have invariably stated to each the offer of the Government and

desired them to *write* an answer if they wished to go and could meet the expense, and I am positive the assertion of “they have come a great distance with their families” is a false one.

I thought it necessary that each person should pay a small deposit of from 10s. to 20s. on the insertion of their names, as an assurance of their intention; this has been done by those who could afford it, that I might not possess a long list of nominal names. At the same time it was distinctly stated to them it should be returned if no arrangements took place with His Majesty’s Government.

With respect to the deposits of money, I beg to state Sir, it is a *malicious insinuation* calculated to make an impression on your mind that I am taking sums of money from the poor to their great inconvenience; that the principal part of them are poor I have sufficient evidence, but I abhor the thought of distressing them in any way, as my only wish is to serve them, to do which I have incurred considerable expence.

There is a person whose name is Wm. Watson, who has deposited 10s. 6d., but whose residence is in town, this is the only name I know like it. I am &c.

(Signed) WM. SHEPHERD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or*
the Officer administering the Government.

DOWNING STREET, LONDON, 15 April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency’s dispatch of the 1st of February last, enclosing an Address which has been delivered to you by the Inhabitants of the District of Swellendam, in which they pray that Mr. Rivers may be restored to the Office of Landdrost of that District. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 15 April 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed Copy of a despatch which has been received from the Governor of the Cape of Good Hope, covering Copies of a Correspondence which has passed between him and the Commodore Commanding His Majesty's Ships and Vessels on that Station, relative to the competence of the local Tribunals to try offences committed on the High Seas, and within the Ports and harbours of the Colony. The circumstances stated in the Enclosed Papers appear to Earl Bathurst to render it expedient that a competent jurisdiction should be forthwith established at the Cape of Good Hope, pursuant to the Act 46, Geo. 3. Cap. 54, and in laying these papers before the Lords Commissioners of the Admiralty, I am to desire that you will move their Lordships to procure the necessary authority for establishing a Court for the trial of offences committed upon the Seas within the jurisdiction of the Governor of the Cape of Good Hope in conformity with the provisions of the Act above mentioned.

His Lordship would recommend that the names of the under-mentioned Officers "or the persons holding their Offices for the time being," should be inserted in the proposed Commission viz. The Governor, The Lieutenant Governor or Officer administering the Government, Sir John Truter, president of the Court of Justice, George Kekewich Esqre., Judge of the Vice Admiralty Court, Sir Richard Plasket, Secretary to the Government, Walter Bentinck, Esqre., Auditor General, J. W. Stoll, Esqre., Receiver General. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to HARRY RIVERS, ESQRE.

DOWNING STREET, 15 April 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of 9th of January last.

His Lordship has perused with attention the explanation which you have transmitted through the Colonial Government of the Charges which have been brought against you by His Majesty's Commissioners of Enquiry for misconduct, while you held the office of Landdrost of Albany, and for which his Lordship has considered it necessary to direct you to be suspended. His Lordship however has not been able to discover in the statement which you have made sufficient evidence to restore you to your official Situation. That statement is unsupported by any documents in proof of your assertions, above all by the communications which passed between Lord Charles Somerset and yourself and which would comprise your representations of the state and disposition of the Albany Settlers.

I have therefore to signify to you Earl Bathurst's direction that you prepare copies of these very important papers and transmit them to his Lordship by the earliest opportunity.

As you have not found any difficulty in laying before the Commissioners copies of the letters upon these subjects which you received from Lord Charles Somerset, Earl Bathurst does not doubt that you have been equally careful in preserving copies of those which you addressed to His Excellency.

I am &c.

(Signed) R. W. HAY.

[Original.]*Letter from SIR JAHLEEL BRENTON to EARL BATHURST.*

LANGSTONE COTTAGE,

HAVANT, 15th April 1826.

MY LORD,—Lieutenant Pedder of the Royal Navy, who has at the request of Mr. Bigge, one of His Majesty's Commissioners

at the Cape of Good Hope, been appointed to the situation of Deputy Port Captain, has requested me to state to your Lordship my opinion of his abilities as a Seaman and an Officer. I have known Lieutenant Pedder for many years, and have a very high opinion of him in both capacities, and consider him perfectly qualified for the duties of the station he is placed in. The late Admiral Sir George Murray, with whom Lieutenant Pedder served in the late war, spoke most highly of him in the letter of introduction to me through which I became acquainted with him. I have &c.

(Signed) JAH. BRENTON, Captain in the Royal Navy.

[Original.]

Letter from MR. WILLIAM BEDDY to^r EARL BATHURST.

NO. 9 ABBEY STREET, DUBLIN, 15th April 1826.

MY LORD,—I beg leave to lay before you (as His Majesty's Colonial Secretary) the following statement:—

Mr. William Beddy, graduate of the University of the Holy Trinity, Dublin, engaged in August 1823 as tutor to the family of a gentleman going to the Cape of Good Hope, at a very limited Salary, it being agreed that he should have an option of taking as many lads as he should feel competent to instruct. Being aware that there was no person in the Colony to compete with, he in truth considered the emolument to be derived from an establishment that would by giving lads a classical education prepare them for entrance at any of the British Universities as the positive advantage to be derived from his going so far from home, and giving up his professional pursuit, and looked upon the salary named as merely a secondary consideration.

The experience of the first two years proved the correctness of his opinion, he gave up his tutorship with the consent of the gentleman with whom he had engaged, and opened an institution for giving the children of such as chose to avail themselves of the opportunity a classical education to the fullest extent.

In consequence, in March 1825, he had thirty two pupils, and seemed to have a fair prospect of being remunerated for his

trouble and expence, when his hopes were in a great measure disappointed by the opening of a Government School, of which, in a letter dated the 29th December 1825, he speaks thus : "Soon after Mr. Chaillett left this, (17 March 1825) a school was opened here by a clergyman sent out by Government, and though my number has not been reduced, it seems doubtful that it will increase much, for besides that he can well afford to charge as he does, but *twelve dollars*, where I charge *twenty*, in consequence of his using a much cheaper mode of instruction, and having a handsome income with a house from Government, I find many persons not at all prompt in their payments."

I therefore submit to your Lordship the consideration whether the British Government must not have been uninformed of the establishment made there two years prior to theirs, and if so will they not withdraw the person lately sent out and (if a Government establishment is to be kept up) appoint my son whose qualification is *assuredly equal to that of any gentleman they may have sent out, as will be shewn as well from the testimony of his having graduated in Trinity College as from the Certificate of the principal of the Feinaiglian Institution, Luxembourg, Dublin, where he was lecturer.*

But should the British Government decide on not appointing him justice demands that (where the opportunity is so limited as not to afford remuneration to both) they should withdraw their establishment, and at all events leave him a fair chance of benefiting for the risks and sacrifices he has made, and not use (for 'tis contrary to the principles of British justice) the influence of government and the purse of the nation to paralyse individual exertion.

Your Lordship will please call to mind that the difference of expence in the two establishments is but seven pounds per annum, and you will no doubt give different modes of education due weight, as well as that one is an undertaking depending on individual effort, the other supported by a handsome income and house rent free.

I beg leave to enclose the within report published in the year 1824, for your Lordship's inspection, which will not fail to convince you that education at the Cape has not been in need of Government assistance.

Depending on the justice of my son's claim that the establish-

ment be given up as unnecessary, or that he on proving his qualifications be nominated to the charge of it, which from *prior occupation* he has a right to expect, I am &c.

(Signed) WILLIAM BEDDY.

[Enclosure in the above.]

Feinaiglian School, Heeregracht, Cape Town, Cape of Good Hope.

W. BEDDY, A.B. of Trinity College, Dublin, Master.

This Establishment which was opened on Tuesday, the 10th day of August, contains Two Classes,—the First and Second *Preparatory*, so denominated with reference to the Classical Course, which is usually commenced at the FEINAIGLIAN INSTITUTION after the Third Half-Year.

The Pupils of the First Preparatory Class learn English Grammar, Reading, Writing, Spelling, and Arithmetic : Those of the Second learn, in addition, Latin Grammar.

It will be seen, on looking into the annexed *Syllabus* of the Feinaiglian Course, that its Pupils commence the Translation of Latin Sentences (in Valpy's Delectus) on entering the intermediate or *Third Preparatory* Class, having in the First and Second, which occupy one Year, acquired a knowledge of the English and Latin Grammars.

Alphabetical List.

First Preparatory, or Junior Class.

Pupils' Names:	Dates of Entrance.
Botha,	16 of November, 1824.
Green, Sen.	} 10th of August.
Green, Jun.	
Hertzog,	Do. Do.
Horak,	1st of September.
Hurter,	7th of October.
Mabille,	10th of August.
Sheppard, Jun.	1st of November.

Some of the Pupils of this class could repeat by rote the Definitions of the Parts of Speech ; but not one of them had

any idea of distinguishing one sort of Word from another. Though no one of this Class had been much more than Four Months at the Feinaiglian School, nor employed more than Two Hours of each Day at Grammar, yet it is hoped, that the majority of them will be found tolerably well acquainted with the Parsing and Analysis of Simple Sentences.

Second Preparatory, or Senior Class.

Pupils' Names.	Dates of Entrance,
Ingram, 1mus	On their arrival in this Colony, 12th of Dec. 1823.
Ingram, 2dus	
Ingram, 3tius	
Ingram, 4tus	
Sheppard, Sen.	12th of August, 1824.

The Second Preparatory Class, with one exception, (as is shown by the List of Names,) commenced receiving instruction under the Feinaiglian System in the beginning of the present Year. The Pupil alluded to entered on the 12th of August, and had previously acquired some knowledge of the Declensions of Latin Nouns, but was almost totally ignorant of English Grammar. This Class, it is expected, will prove themselves to be well grounded in the Declensions of Latin Noun Substantives, Pronouns, Noun Adjectives, as well as the comparison of Adjectives, and Conjugation of Verbs; and from this knowledge combined with what they have learned of the general principles of Grammar, are considered qualified to commence the Translation of Latin Sentences after the Christmas recess.

These Classes thus appear to have kept pace with those of the Parent Institution. How far their progress has been *actual*—their improvement *real*—is left to the decision of their friends, as well as of the public in general, who are respectfully invited to witness the examination to be held on Saturday, the 18th instant.

Mode of Teaching Grammar.

Before the invention of Printing in Europe had made Books easily attainable, *oral instruction*, or that, by which the Pupil

learns from the mouth of the Teacher, seems likely to have been the only method which was or could be generally used : indeed the small number of written treatises on Grammar mentioned by ancient authors, and the difficulty of giving them circulation, are presumptive proofs so strong, as almost to justify one in the conclusion, that this must have been the mode pursued prior to that invaluable discovery. When, however, the Typographic Art had rendered books cheap, and capable of being multiplied to any required extent, it was soon perceived that by their aid the Teacher could, with much greater personal ease, and pecuniary emolument, undertake the care of a larger number ; for, instead of being as heretofore the organ of instruction, he need do little more than inspect its progress, and stimulate his Pupils to exertion.

But, whatever may be the truth of this hypothesis, the method of instructing by Lectures has intrinsic advantages to recommend it. The ordinary mode of teaching the Grammar of a Language, is to require the Pupil to get by rote certain phrases, which, from the number of technical terms, and the abstruse and uninviting nature of the subject, are in general as little understood by him, as if they had been written in an unknown language.

This deficiency is no doubt in part made up, when the Pupil comes to translate and compose ; but many important points escape the observation of the Teacher, of which the Pupil does not suspect himself to be ignorant in consequence of their being familiar to his memory. Thus many, who have been years at Grammar, are unable to distinguish one part of speech from another without the help of a Dictionary, and even those, who succeed, have lost a valuable portion of their time.

Such considerations as these, induced Professor Von Feinaigle to prefer oral instruction ; and in order to assist the memory in retaining what had been explained to the understanding, he devised a series of Methodical Tables, eminently conducive to that most desirable end.

This mode of instruction likewise compels the Pupil to exert his reasoning faculties, and as by the rotation of Lectures every Class is under the eye of a Master, and each in a separate room, their attention is secured to the object, on which it should be employed.

Discipline.

The idea of present enjoyment, and the hope of impunity, generally triumph over the fear of bodily pain, which Boys often take pride in setting at defiance. But, as rules for the regulation of our conduct must have some adequate sanction in order to insure obedience, a system of rewards and punishments—of honor and disgrace—of relaxation and confinement—has been laid down, which is found to supercede in a great measure the necessity of inflicting blows. This is calculated to produce habits of industry, even in those, who are fondest of play, and most averse to study; for a little experience will show them, that those, who are least attentive, have the least amusement, and the most labour.

There are, however, some cases, in which recourse must be had to corporal punishment: for acts of determined insubordination, or obstinate and continued neglect of business, it must be used; but it is done with such circumstances, as are calculated to give it more effect, and to prevent the necessity of repeating it.

The following Syllabus of the course of study in the Feinaiglian Institution, Luxembourg, Dublin, contains the plan of instruction, which it is proposed to follow.

Hebrew and Italian may not seem necessary here; but this will be more fully developed by time, if aided by Public Patronage, to deserve which no effort shall be wanting.

FIRST PREPARATORY CLASS.

Objects of Study.

Spelling, Reading, English Grammar, Arithmetic, and Writing.

SECOND PREPARATORY CLASS.

Same as above, with the addition of Latin Grammar.

THIRD PREPARATORY CLASS.

Same as above, with Valpy's Delectus—Translation and Parsing.

CLASSICAL COURSE.

First Class.

Objects of Study.

In Latin—Cornelius Nepos.
English—Grammar.
Geography—General of the World.
History—Of England.

Second Class.

In Latin—Cæsar.
French—Grammar.
History—Ancient History.
Geography—General Geography, Ancient and Modern.
English—Grammar.

Third Class.

In Greek—The Grammar, and three Chapters of St. John's Gospel.
Latin—Sallust, *Bellum Catalinarium*.
French—Perrin's Fables.
History—Ancient History.
Geography—England, Ireland, and Scotland.

Fourth Class.

In Greek—12 Chapters of St. John's Gospel.
Latin—Sallust, *Bellum Jugurthinum*.
French—Perrin's Fables.
History—Ancient History.
Geography—Northern Countries of Europe and France.

Fifth Class.

In Greek—Lucian.
Latin—Terence.
French—Telemaque.
History—Ancient History.
Geography—Northern Countries of Europe, and France.

Sixth Class.

In Greek—Lucian.

Latin—Virgil.

French—History of Greece.

Italian—Grammar.

Geography—Ancient Europe.

History—Roman.

Mathematics—Algebra, first principles.

Seventh Class.

In Greek—Lucian and Homer.

Latin—Juvenal and Virgil.

French—History of Greece.

Italian—Telemaco.

History—Roman.

Mathematics—First Book of Euclid, and Algebra as far as simple Equations.

Geography—Ancient Greece, and Italy.

Eighth Class.

In Greek—Homer.

Latin—Juvenal and Horace.

French—History of Greece.

Italian—Metastasio.

Hebrew—Grammar, and four Psalms.

Mathematics—Second Book of Euclid, and Algebra as far as simple Equations.

Geography—Ancient Asia.

Ninth Class.

In Greek and } The greater part of the foregoing Classical
Latin, } Course.

French—La Henriade.

Italian—Metastasio.

Hebrew—Grammar, and six of the Psalms.

Elocution and Composition are also particularly attended to.

The following young Gentlemen have distinguished themselves, during the half-year :—

In the first Preparatory Class.

Green, Sen. has obtained the Premium.

Hertzog, Premium for distinguished good Conduct.

Hurter, a Testimonium* in Writing and in Arithmetic.

In the second Preparatory Class.

Ingram, Imus has obtained the Premium.

Sheppard, Sen. a Testimonium in Writing.

Terms.

20 Rixdollars a month, or 220 per annum.

Vacations,—A fortnight at Christmas,—a week in Spring, in Autumn, and in Winter,—Two days at Easter, and at Whitsuntide,—and a few single Holidays.

School is open from 8 o'Clock until 3, in Summer,—from 9 until 3, in Winter. The whole of which time is devoted to Business, with the exception of an hour after 12 o'Clock, and 5 minutes between Lectures.

Pupils are admissible in any month of the year. Payment commences from the day of entrance. The necessary Books, Stationery, &c. may be supplied by the Parents, if not, they will be furnished by the School, and charged for at the end of the quarter.

Business will recommence on Monday, the 3d of January. It is expected, that the Parents, or other Friends of the Pupils, will not permit them to absent themselves, except under the most urgent circumstances.

* The second Testimonium obtained in any one object in the same year entitles the Holder to a Premium.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.

DOWNING STREET, LONDON, 16 April 1826.

SIR,—I have received Earl Bathurst's directions to transmit to you enclosed a dispatch from His Lordship to His Majesty's Commissioners of Enquiry, together with a letter for Mr. Harry Rivers.

In the event of His Majesty's Commissioners having taken their departure from the Cape when this letter shall reach you, it is Earl Bathurst's desire that his Lordship's dispatch addressed to them may be forwarded to them, and that the letter addressed to Mr. Rivers may be delivered into the hands of that gentleman.

But if His Majesty's Commissioners should not have departed from the Colony, his Lordship requests that you will in that case deliver to them both his dispatch and the letter addressed to Mr. Rivers. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR RUFANE DONKIN.

DOWNING STREET, 17th April 1826.

SIR,—In a letter which you addressed to Mr. Wilmot Horton on the 15th of March of the preceding year, you stated in explanation of the manner in which your accounts had been made up, that "amongst other neglects, the proper Officer in the Colony omitted to call your attention to the regulation which requires Earl Bathurst's sanction to even the smallest Expenditure beyond the sanctioned Ordinaries," and I am now desired by his Lordship to request that you will state whether he is thereby to understand that no Communication was made to you by the Colonial Secretary of the Instructions of the Commissioners of His Majesty's Treasury. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JAMES WILSON.

DOWNING STREET, 17 April 1826.

SIR,—Having by desire of Lord Bathurst transmitted a Copy of your letter of the 10th Instant, to Mr. Shepherd, and having received his explanation upon the subject of it, I am directed by his Lordship to acquaint you, that on comparing the statements received from that Individual with your own, it appears that there is no reason whatever for believing that you were induced by him to come up to London. Mr. Shepherd denies having received any money from you, and was even unacquainted with your name. Under these circumstances, His Lordship is at a loss to understand the object which you had in view by addressing to him the Complaints contained in your letter. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 18th April 1826.

SIR,—With reference to the letter which you addressed to me on the 14th Instant in explanation of the complaints preferred against you by an Individual of the name of Wilson, I am directed by Earl Bathurst to acquaint you that his Lordship has caused a letter to be written to that person on the subject. His Lordship would recommend that you should not exact any sum of money whatever from applicants who may address themselves to you on the subject of emigration to the Cape of Good Hope, and that you should not in any way induce them to come up to London, until your scheme shall be more matured.

Lord Bathurst has directed me to remind you that you have taken no steps for providing the Security which was pointed out to you as necessary in my letter of the 10th ultimo.

I am &c.

(Signed) R. W. HAY.

[Original.]

Memorial from MR. JOHN FOURNIER to EARL BATHURST.

No. 4 EBURY STREET, CHELSEA, 18th April 1826.

MY LORD,—Your Memorialist most respectfully begs leave to remind Your Lordship of the Petition submitted to Your Lordship's consideration on the 15th of September last soliciting compensation for the peculiar hardships and losses he sustained whilst a Settler in the years 1820, 21, 22, 23, and 24 in the District of Albany, South Africa, where he proceeded in the year 1819 with the protection and encouragement of His Majesty's Government under certain stipulated regulations which on Your Memorialist's part were closely attended to in every respect, but were not in many, the most essential respects by the Government on the spot, through whose persecution he can clearly prove his misfortunes and total wreck of property are solely to be attributed.

Your Memorialist humbly begs leave to state to Your Lordship that he had the honor of serving 8 years in His Majesty's Navy as a midshipman, during which time a deafness gradually came on him and eventually became an insurmountable obstacle to the proper performance of his duty.

Your Memorialist entirely in consequence of this was induced to emigrate to the Cape of Good Hope rather than become a claimant upon the bounty of his Country in whose service he incurred this infliction, and Your Memorialist is firmly convinced that he would not have had to regret his having done so but for the persecution he there suffered while exerting his utmost endeavours to provide for himself.

Your Memorialist humbly begs Your Lordship to grant him an interview in order that he may show and explain in what manner, with the most flattering prospect of success, he has been most miserably disappointed, after struggling with his difficulties for five years to no purpose in consequence of the treatment he received from the authorities placed over him, as may be corroborated by the minutes of the Commissioners who were appointed to look into the case.

Thus circumstanced, a bankrupt in property, his time, his

labor, and (in a great measure) his health uselessly sacrificed, together with a partial deafness incurred while in the service of his country which renders him unfit for most situations, Your Memorialist is now compelled to solicit from the justice of the Government a compensation for the losses he has sustained through the injustice of its officers.

Your Memorialist confident in his claim being founded on every principle of right and equity humbly trusts that in submitting it to Your Lordship's consideration he will not be disappointed in his hopes.

And Your Memorialist as in duty bound will ever pray &c.

(Signed) JOHN FOURNIER.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET or the
Officer administering the Government.*

DOWNING STREET, LONDON; 20 April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 253, under date 7 January last, in which you express your regret that I had found myself under the necessity of disapproving of the expence incurred by you in causing a Schooner to be built for the use of Port Frances at the mouth of the Kowie River; and you state the reasons which induced you to authorize such an expenditure without having previously consulted me upon the subject. I desire, however, to acquaint your Excellency that the remarks contained in my dispatch of the 28th of September last did not apply to the inexpediency of building the Vessel in question, but were intended to convey to you my disapprobation of your conduct in having incurred such an expence without having previously referred to me for my sanction of it.

Although from the explanations which your Excellency has given in your dispatch No. 253, there does not appear to have been a very urgent necessity for your departing in this instance from your instructions; yet as the building of the Vessel

promises to be of essential Service to the Settlement of Albany, I shall no longer withhold my sanction of the expence which your Excellency has incurred for this Service. I have &c.

(Signed) BATHURST.

[Original.]

Letter from SIR RUFANE DONKIN to R. W. HAY, ESQRE.

33 PARK STREET, GROSVENOR SQUARE, *April* 20, 1826.

SIR,—On my return to Town from Brighton I have had the honor of receiving your letter of the 17th, and in answer to it I beg leave to say, for Earl Bathurst's information, that in my letter of the 15th of March last year to Mr. Wilmot Horton I did not intend to state in unqualified terms that no communication of the Instructions of the Lords Commissioners of His Majesty's Treasury had ever been made to me at the Cape of Good Hope, but that at the time of making up my Accounts my attention had not been called by the Auditor in that Colony to any Items of Expenditure which required Lord Bathurst's sanction, for, had my attention been so called to this point, I should at once have made such statements and given such explanations to Earl Bathurst as would have ensured me Earl Bathurst's sanction for each Item, and, owing to this neglect, I have complained and do complain that I am now in the 5th year after my return from the Cape held in the situation of a responsible public Accountant, soliciting as a favor from Lord Bathurst that which, had my accounts been properly made up and checked in the Colony, I should have obtained as a matter of right in the Audit Office here, namely the passing of my public Accounts by the Lords Commissioners of His Majesty's Treasury; and I again beg leave to throw myself on Lord Bathurst's indulgence and protection for the finally passing of those Accounts. I have &c.

(Signed) R. S. DONKIN.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.

DOWNING STREET, 20 April 1826.

SIR,—With reference to the applications of Mr. Strombom which Earl Bathurst has directed to be brought under the notice of the Lords Commissioners of His Majesty's Treasury, I am directed by his Lordship to transmit to you enclosed a further application which has been received from that Individual, and I am to request that you will bring the same under their Lordships' consideration. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM BEDDY.

DOWNING STREET, 20 April 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 15 instant, and to acquaint you in reply that as the Governor of the Cape of Good Hope may be expected in this Country at no very distant period, his Lordship will defer the consideration of your application until he shall have had an opportunity of communicating with the Governor upon the subject. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, OLD BROAD STREET, April 20th 1826.

SIR,—I have to acknowledge the receipt of yours of the 18th ultimo, and in reference to the security mentioned, beg to state I am prepared with any security his Lordship may require, provided the nature of that security is expedient and safe for

me to give, and I hope his Lordship will be as favourable as possible as to that required, as my only wish is to serve the Colony and destitute and unemployed to the extent his Lordship shall enable me.

I beg also to remark that I am proceeding agreeable to his Lordship's directions in your letter of the 10th ultimo to obtain a list of those persons wishing to proceed with me, that the expence may be accurately ascertained ; with a view to inform each individual the sum required to reimburse His Majesty's Government one half the expence to be incurred ; that list will be closed in a short time and shall immediately transmit them to the Colonial Office. I am Sir &c.

(Signed) WM. SHEPHERD.

[Original.]

Letter from MR. CHARLES TURNER to R. W. HAY, ESQRE.

14 GRENVILLE STREET, BRUNSWICK SQUARE, 20 April 1826.

SIR,—I am requested by a friend who thinks of going to the Cape of Good Hope to enquire what encouragement is afforded by His Majesty's Government by a grant of land or otherwise to Individuals settling at that colony, and I should feel greatly obliged by your giving me the necessary information.

I have &c.

(Signed) CHARLES TURNER.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET or the Officer administering the Government.

DOWNING STREET, LONDON, 21 April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 255 of the 7th of January last, transmitting a Statement of the alterations which your

Excellency has had occasion to make in the Civil Establishments of your Government during the quarter ending the 31st of December last.

In calling your Excellency's attention on another occasion to the state of the Establishments of your Government in former years, I expressed my desire to learn the cause of the tendency to increase the expence which manifested itself in many of the Public Departments ; and I am the more anxious to receive some information upon this subject, as there can be no reason for believing that the Population of the Colony is encreasing more rapidly than the population of other Colonies. And the arrangements consequent upon the Settlement of the large body of Emigrants who were introduced into the Colony in the year 1820 have long since been completed.

Having thus acquainted you generally with the view which I take of any proposition for encreasing the Civil Establishments of your Government, I shall not now make any detailed objection to the arrangements which you have made during the last quarter of the preceding year, saving to the encrease of existing Salaries which you will ere this have suspended under my instructions of the 8th October last. But I cannot help observing that it would be much more convenient in every respect that your Excellency should adopt a fixed scale of Establishment for every department of your Government, and finally discourage all applications for its encrease except when the interests of the Public shall appear to you absolutely to require it. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *April 21, 1826.*

MY LORD,—I have the honor to inform Your Lordship that having found the Revd. G. Hough, Colonial Chaplain of Cape Town, had purchased a House and intended to reside in the Country about four miles from the great body of those Persons professing the Church of England form of Worship for whose

particular benefit this appointment was made, I thought it right to state to Mr. Hough the necessity there was for establishing himself nearer to the place where his duties are to be performed, and for which purpose an allowance of £54 per annum is granted to him. Mr. Hough has explained to me that the delicate health of his family requires their being principally in the Country, but that he purposes to keep a House in Cape Town, and to make such arrangements as will prevent any failure of his clerical functions. Having a very high opinion of Mr. Hough, and relying entirely on his conscientious feeling for the proper discharge of his duties, I have expressed myself satisfied with this assurance.

I should not now trouble Your Lordship with this communication, but that I understand Mr. Hough questions my right of calling him into residence as exercising the Office of Ordinary under patent, and purposes to lay the matter before Your Lordship. Without discussing the right which the Patent of the Governor of this Colony may give him in this particular, and having in truth assumed it on the grounds of Mr. Hough's being a Civil Servant and paid by the Colony, I think it my duty to state to Your Lordship that it is clearly desirable a Governor should possess such power over the ecclesiastical as well as other public functionaries within his Government, as without such jurisdiction it is evident that much irregularity and abuse would be found to prevail. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *April 21st 1826.*

MY LORD,—Having thought it necessary to deviate in some degree from the policy hitherto adopted by the Government of this Colony in regard to the Caffres and other Tribes upon the eastern frontier, I beg leave to enclose for Your Lordship's information the copy of a letter addressed by my desire to the Landdrosts of the Border Districts and of one to the

Officer Commanding His Majesty's Troops on the Frontier, upon the subject of retaliatory expeditions into Caffreland for the recovery of stolen Cattle, or the seizure and removal of a portion of other Cattle as an equivalent, I think it right to state to Your Lordship that on the perusal of various documents in the Colonial office and other papers upon Caffre affairs I have formed rather a strong opinion upon this subject, and finding since I have been left in charge of this Government many persons upon whose judgment and experience I place great reliance coinciding with me, and particularly His Majesty's Commissioners of Inquiry who appear to have given the matter much consideration, I deemed it my duty to issue the Instructions, copies of which are herewith enclosed, which I hope will meet with Your Lordship's approbation. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

COLONIAL OFFICE, *April 20th 1826.*

SIR,—His Honor the Lieutenant Governor being convinced of the expediency of abstaining from all irritating measures towards the Caffres and other nations inhabiting the borders of this Settlement has directed me to signify his desire that from henceforward no Commando or armed body of Burghers or other Inhabitants of your District shall upon any account or under any pretext whatsoever be permitted to pass the boundary line of our territory without the express orders of Government, or unless called upon by the Officer commanding His Majesty's Troops on the frontier to aid the military force in the event of hostile invasion by the Caffres or other Tribes residing in the Interior.

This Instruction is not intended or calculated to prevent any association of neighbouring families for the protection of their cattle from Plunderers, nor to prevent the pursuit of such robbers to the boundaries of our territory, but upon no account whatever are the borders to be crossed but under the circumstances that have been mentioned. Directions to a similar effect, as far as the military force is concerned, have been given to the Commandant of the Frontier.

The Lieutenant Governor desires that you will keep these

Instructions regarding the policy to be in future adopted towards the Caffres as secret as may be consistent with giving due effect to the foregoing orders. I have &c.

(Signed) RICHD. PLASKET.

Secretary to Government.

To the Landdrosts of Albany, Graaff Reinet, and Somerset.

[Enclosure 2 in the above.]

MILITARY'S SECRETARY'S OFFICE,

CAPE TOWN, *April 11th 1826.*

SIR,—I am directed by the Major General Commanding the Forces to call your particular attention to the following subject :

The Major General is desirous that the system of retaliation (as it is called) which has been in some cases adopted with reference to the Caffre Tribes on the Frontier of this Colony should cease altogether, he desires that no invasion of the Caffre Country shall be made for the purpose of obtaining a stock of cattle equal to that of which the Settlers may have been deprived by Caffre plunderers, nor even for the recovery of stolen cattle or other property of Settlers, although the most probable information may have been obtained as to the place to which it has been conveyed within that Territory. Upon notice being given of such robberies, every exertion is to be made to overtake the plunderers before their arrival within their own borders, but upon no occasion (short of the robbers or their spoil being actually within view of the pursuing party, and the certainty of their being speedily overtaken) are the borders to be crossed by any part of the troops under your command.

I am at the same time directed to desire that the greatest activity and vigilance may be continued within our own and the neutral territory, for the purpose of preventing depredations or intercepting plunderers who may have succeeded in driving off cattle from the lands of the Settlers. You will also be pleased to continue your monthly report of patrols as usual, and will not fail to avail yourself of the earliest opportunity of reporting anything extraordinary that may occur on the borders, or that may come to your knowledge as having occurred within the Cape Country.

This Instruction it is obvious is meant to apply solely to the pursuit of clandestine plunderers, or the invasion of the Caffre Country for the purpose of retaliation, and not to open attack in which it may be necessary to repel force by force. Such a state of things is not indeed now to be contemplated, but if it should arrive, you will consider yourself left to your own discretion as to the best mode of repelling hostile invasion, whether it be by acting on the defensive only or by carrying your force into the enemy's country.

You are to consider this Instruction as *quite confidential*, and in giving any orders to the officers on the outposts that may be necessary for the purpose of preventing the invasion of the Caffre Country, you are not to intimate that any change has been directed in the system hitherto adopted. The Major General, whilst he feels himself called upon by the most powerful considerations to forbid any further irruptions across the Borders, is willing to avail himself of whatever benefit the intimidation caused by the opposite system may have produced.

He trusts however that the private intercourse which the establishment of Fairs has encouraged, and which may be still further augmented, joined to an entire abstinence from all irritating proceedings on our part, may have the effect of subduing the love of plunder which the savage tribes have hitherto manifested. I have &c.

(Signed) M. RYAN, Military Secretary.

To Lieutenant-Colonel Somerset,
Commandant on the Frontier.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. B. J. DE KLERK.

DOWNING STREET, LONDON, 21 April 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter under date of the 13th of December last enclosing an Address to His Majesty signed by yourself and 111 inhabitants of the District of Somerset. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from MR. W. ALERS HANKEY to R. WILMOT
HORTON, ESQRE.*

FENCHURCH STREET, 21st April 1826.

DEAR SIR,—I beg to inform you that the Revd. Dr. Philip is now in London, and if it is the wish of Lord Bathurst that he should wait upon his Lordship or yourself for the purpose of an interview, he will be happy to attend to any appointment you may please to make.

The Doctor will leave town for a week on Wednesday next, to bring his family to London. I shall have the pleasure of transmitting to you, as soon as they can be conveniently transcribed, the Doctor's observations on the statements of Mr. Greig on the subject of the Press, which you did me the honor to put into my hands some time ago. I have &c.

(Signed) W. ALERS HANKEY.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET or the
Officer administering the Government.*

DOWNING STREET, LONDON, 22nd April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 264 of the 9th of February last, in which, with reference to mine of the 6th of October preceding, you acquaint me that you had appointed Lieutenant Pedder to the situation of Deputy Port Captain in Table Bay.

As I have already acquainted your Excellency in my dispatch of the 30th of November last, that I had appointed Lieutenant Bance to that situation, and as this Officer has long since proceeded to the Cape to take upon himself the duties of his Office, I can only now express my regret that it is out of my power to confirm the appointment of Lieutenant Pedder. But if any opportunity should offer for availing yourself of this Officer's Services, I shall have no objection to his being employed. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. ADAM MULHOLLAN to R. W. HAY, ESQRE.

BALTINGLASS, IRELAND, 22nd April 1826.

SIR,—I beg leave to acknowledge the receipt of your letter of the 6th Instant, and with astonishment I perused its contents; as I never addressed a letter to Earl Bathurst on the 30th ultimo, and of course am ignorant of its contents.

The last time I had the honor of addressing his Lordship was on the 26th April 1825, relative to myself and a numerous train of my friends (mostly all young men) praying to participate in an Emigration to British America, and to which his Lordship was graciously pleased to reply, (through Mr. Horton's letter of the 6th May following) "to address myself to a Mr. Robinson at Cork." I accordingly applied to that gentleman, but received no answer from, I suppose, his having sailed previous to the arrival of my letter at that Port.

I beg further to state, that my first application (accompanied with strong recommendations) was made to the Government of this Country, and from Mr. Gregory's letter of the 12th of April 1825, was referred to His Lordship "Earl Bathurst."

May I therefore request, that you, Sir, will be pleased to lay before His Lordship this statement, as also my determination still to proceed to that Colony, should his Lordship in his wonted goodness allow me, with my former mentioned friends, and in addition a number of young men destitute of employment from the pressure of the times, if required the most satisfactory references as to character and ability can be adduced.

Your compliance with the above request will oblige, Sir &c.

(Signed) ADAM MULHOLLAN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET *or the*
Officer administering the Government.

DOWNING STREET, LONDON, 23rd April 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatches of the 5th November and 24 December last, reporting the measures which you had adopted for re-establishing the Medical Committee, and enclosing a correspondence which had passed between your Excellency and His Majesty's Commissioners of Enquiry on the subject.

Without now entering into a consideration of the circumstances which have been stated in explanation of the manner in which Dr. Barry had exercised the duties of Medical Inspector, it appears to me upon general principles to be highly desirable that the functions of this Office should be entrusted to a Committee of Medical Practitioners ; and I have to convey to your Excellency my approbation of the measures which you have adopted for that purpose. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* WILLIAM HILL, ESQRE.

DOWNING STREET, 24 April 1826.

SIR,—I am directed by Earl Bathurst to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that the Individuals who emigrated in the year 1820 with the assistance of His Majesty's Government to the Cape of Good Hope for the purpose of settling in that Colony, have deputed a person to his Lordship with the view of representing their earnest desire that some further assistance might now be granted for the purpose of enabling a certain number of their nearest relatives to join them in that Colony ; and as his Lordship is fully persuaded that a compliance with this application would contribute in a most beneficial manner to the

well being of the settlers and the prosperity of the Colony, his Lordship trusts that the Lords Commissioners will concur with him in thinking that it may be advisable to grant every reasonable degree of encouragement to the applicants.

At the same time his Lordship is of opinion that it would not be expedient that His Majesty's Government should undertake the whole expense of conveying to the Cape the persons in favour of whom this application has been made, and his Lordship would propose that the utmost extent of assistance to be granted for this purpose should not exceed One Moiety of the whole expense of the undertaking; the other moiety to be borne by the settlers themselves.

It is probable that the number of applicants will not exceed 250, and the cost of their conveyance might be estimated at £24 10s. 3d. for each man, woman, or child.

If this arrangement should meet with their Lordships' concurrence, Earl Bathurst would propose that directions should be given to their Lordships' Solicitor, to receive from Mr. William Shepherd, the individual who has been deputed from the Cape, the security which he has offered to give for the repayment of the proportion of the expense which under this arrangement will devolve upon the Settlers now residing at the Cape. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to JOHN RENNIE, ESQRE.

DOWNING STREET, 25 April 1826.

DEAR SIR,—Will you be good enough to read the accompanying papers in explanation of the measures which have been recommended from the Cape for building a Wharf there and for obtaining the materials for such a Work. I shall feel obliged to you for any observations which it may occur to you to make on the several points which this undertaking involves.

Yours very faithfully,

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. A. HANKEY, ESQRE.

DOWNING STREET, 25 April 1826.

SIR,—Mr. Wilmot Horton having put into my hands the letter which you addressed to him on the 21st instant, I have communicated the purport of it to Lord Bathurst, who has directed me to acquaint you that he will be ready to receive in Writing any communications which Dr. Philip may be desirous of making to this Department. I have &c.

(Signed) R. W. HAY.

[Original.]*Memorial of MRS. JANE ERITH.*

NO. 2 BARDON PLACE, PECKHAM, SURREY, April 25th 1826.

To the Right Honorable the Earl Bathurst, K.G., one of His Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of Jane Erith most humbly sheweth

That your Memorialist on the 25th of last October, while residing at the Cape of Good Hope, memorialled your Lordship, praying your Lordship would be mercifully pleased to interfere in behalf of herself and Family and grant an order for their immediate return to their native Country, &c., &c.

Your Memorialist now takes the liberty to communicate to Your Lordship that owing to the munificence of private Friends (among whom your Memorialist has the Honor of enumerating His Majesty's Commissioners of Inquiry) she has been enabled to return accompanied with her Family to her beloved Country.

Your Memorialist feels fully persuaded that all the serious and trying Grievances enumerated in that Petition will meet the most ample redress from the Magnanimity which distinguishes Your Lordship's proceedings when such Flagrant and deliberate acts of Cruelty are made known to Your Lordship.

Your Memorialist therefore humbly entreats Your Lordship's earliest attention to the Urgency of the Case on account of her rising Family.

And Memorialist as in duty bound will every pray.

(Signed) JANE ERITH.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 26 April 1826.

MY LORD,—I beg leave to acquaint your Lordship that I have granted leave of absence for the term of six months from the period of his embarkation hence, to Walter Bentinck Esq., Auditor General of Accounts and a Member of the Court of Justice, to return to England on his private affairs.

I have directed Mr. Bentinck to report himself to your Lordship on his arrival in England, and to apply to you for any extension of leave, and I have furnished him with the certificate required by Your Lordship's Despatch No. 9, dated 21 April 1818.

I beg to add that before complying with the request of Mr. Bentinck for permission to leave the Colony, I ascertained from His Majesty's Commissioners of Inquiry that his presence here would no longer be necessary for the purposes of their investigation of his Department. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. HILL, ESQRE.

DOWNING STREET, 26 April 1826.

SIR,—With reference to the correspondence which has passed upon the subject of a defalcation which had taken place in the Receiver General's Office at the Cape during the year 1814 ;

I am directed by Earl Bathurst to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that it appears from a dispatch which has been received from the Governor of the Cape of Good Hope that the whole amount of such deficiency which is stated to have been Rds. 36,277 2 2 has been recovered. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF
COLONIAL AUDIT.*

DOWNING STREET, 26 April 1826.

GENTLEMEN,—Lieutenant General Sir Rufane Donkin having some time since expressed his inability to furnish any explanation of the grounds upon which he had been induced to create the new appointments of Secretaries to the Deputy Landdrosts of Clanwilliam and Cradock, Lord Charles Somerset was directed to transmit to Earl Bathurst such information as the records of his Government might contain upon the Subject. In pursuance of this instruction Lord Charles Somerset has addressed to his Lordship a dispatch, of which a Copy is annexed, enclosing two proclamations which Sir Rufane Donkin had issued for the purpose of establishing Courts for the registration of marriages and for the Cognizance of Criminal and Civil Cases in the Subdrostdies in question; and I am directed by his Lordship to acquaint you that as the appointment of Secretaries to the Subdrostdies was a measure consequent upon the Establishment of these Courts, his Lordship approves such appointments. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MRS. ERITH.

DOWNING STREET, 26 April 1826.

Mr. HAY is directed by Earl Bathurst to acknowledge the receipt of Mrs. Erith's Memorial of the 21st instant, in which she prays redress of the grievances enumerated in the Petition which she had already addressed to his Lordship from the Cape on the 25th October 1825. As far as Mrs. Erith has explained the nature of those grievances, they appear to consist in the refusal of the Government of the Cape to pay to her a Sum of money on account of a claim of her husband's which he had come to this country to represent to His Majesty's Government. But as Mr. Erith has never thought proper to bring his case under Lord Bathurst's cognizance, although he was invited by Mr. Hay to do so, His Lordship can form no opinion whether Mrs. Erith was warranted in demanding a sum of money which the Government of the Cape appear to have considered that her husband had no title to claim.

[Original.]

Letter from MAJOR GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 27 April 1826.

MY LORD,—I have the honor to transmit to your Lordship copy of a correspondence which has taken place between Sir John Truter, the President of the Orphan Chamber, and Government, relative to the very inadequate salaries attached to the Members and other officers of that Board, when compared with the responsibility of their situations; and I have to beg your Lordship's favourable consideration of the proposed increase of salaries, as suggested by the Board. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 23rd February 1826.

GENTLEMEN,—His Excellency the Governor having taken into consideration the state of the general Finances of this Colony, and observing that a heavy charge is annually made for the expense of the Establishment of the Orphan Chamber, while the funds belonging to that Board are more than sufficient to defray all the charges of its administration, I am directed by His Excellency to signify to you his pleasure that from the commencement of the present year the whole Establishment of the Orphan Chamber, as sanctioned by Government, shall be defrayed by you out of its own funds.

The amount of the percentage on the Public Sales made by the Board will still continue to be paid into the Receiver General's office as usual, but the fees of office and other receipts of the Board will from the period above mentioned be carried to the credit of the funds of the Orphan Chamber.

I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

The President and Members
of the Orphan Chamber.

[Enclosure 2 in the above.]

ORPHAN CHAMBER, 14 March 1826.

SIR,—We have the honor to acknowledge the receipt of your letter of the 23rd of last month, informing the Board that His Excellency the Governor has been pleased to direct that from the commencement of the present year the whole Establishment of the Orphan Chamber shall be defrayed out of its own funds, adding that the amount of the percentage on the Public Sales made by the Board are still to continue to be paid into the Receiver General's office as usual, but that the fees of office and other receipts of the Board are from the period abovementioned to be carried to the credit of the Funds of the Orphan Chamber.

Whilst we shall pay due obedience to the directions before-mentioned, we cannot avoid availing ourselves of this opportunity to report to His Excellency the very scanty salary at present enjoyed by the Vice President and Members of our Board, the former receiving only Rds. 1,500, or £112 10s., and the latter Rds. 1,000 or £75 each per annum. We do not doubt for a moment that His Excellency after taking into consideration the respectability as also the various duties and great responsibility attached to their respective situations, both which have considerably increased since the period when the aforesaid salaries were fixed by Government, will readily agree that the remuneration enjoyed by them is not only quite inadequate but also by no means proportionate to the salaries allowed to most of the other Civil Servants of the Government.

It is therefore that we, conscious of the propriety of our request, respectfully beg leave to solicit that His Excellency may be pleased to authorize such an increase of Salary to the Vice President and Members of our Board, as likewise to the second head Clerk in our Department, Mr. Serrurier (whose salary being Rds. 1,000 or £75 per annum is also by no means adequate to the duties he has to perform) as His Excellency shall deem just and reasonable. We have &c.

(Signed) J. A. TRUTER.

By order of said Board.

(Signed) J. J. L. SMUTS.

The Hon. Sir R. Plasket, Knight,
Secretary to Government.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 26 *March* 1826.

GENTLEMEN,—I have submitted to the Lieutenant Governor your letter of the 14th instant, stating the very scanty allowances which are at present enjoyed by the Vice President and Members of the Orphan Board when compared with the respectability and responsibility attached to their respective situations, and of the small pay allotted to the second head clerk Mr. Serrurier.

His Excellency desires me to express to you his opinion that a sufficient remuneration adequate to the nature of the services rendered should undoubtedly be made to the persons administering the property of Individuals, out of the Funds arising from such property, and he desires me to request of you to state to Government what you consider as the increase necessary to be made to the salaries at present enjoyed by the officers above mentioned. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

The President and Members
of the Orphan Board.

[Enclosure 4 in the above.]

ORPHAN CHAMBER, 17 *April* 1826.

SIR,—Upon the receipt of the letter which you did us the honour of addressing to us on the 26th ultimo, in reply to our representation of the 14th March last, we did not fail to give very mature consideration to the subject of the amount of increase necessary to be made to the salaries at present enjoyed by the Vice President and Members of the Orphan Chamber and the second head Clerk Mr. Serrurier, and we now submit for His Honor the Lieutenant Governor's approval that the Vice President should receive a Salary of Rds. 3,000, equal to £225, the Members each Rds. 2,666 32, equal to £200, and the second head Clerk Rds. 2,000, equal to £150 Sterling per annum, payable from the funds of the Orphan Chamber.

In coming to a decision upon a point which concerns immediately the interests of the Orphan Chamber, we have duly considered the great increase of business that has latterly taken place in this Department compared with former years, the daily increasing number of Wards to be provided for, the heavy responsibility attached upon the Members in an administration extending over every part of the Colony, without exception, and in addition to all this the reduced value of the Cape Rixdollar to the £ Sterling which has taken place since the present Salaries of those Gentlemen were fixed in 1814. Under these considerations we respectfully submit that the remuneration now proposed to be given to the officers above

mentioned is no more than adequate to the nature of the services rendered by them, and commensurate to that at present enjoyed by other Public Functionaries of this Government. We have &c.

(Signed) J. A. TRUTER.

By order of said Board.

(Signed) J. J. L. SMUTS.

The Chief Secretary to Government.

[Original.]

Letter from MR. WILLIAM GREIG to R. WILMOT HORTON, ESQRE.

32 CITY ROAD, 27 April 1826.

SIR,—In your letter of date 25th November last referring to a conversation that took place between us on the 14th of the same month you informed me “that fresh orders had,” previously to the latter date, “been sent out to Lord Charles Somerset directing him to deliver over to Mr. Geo. Greig the Printing Materials” his Property which were taken from him by Lord Charles Somerset in May 1824.

It is now my duty to acquaint you for the information of Earl Bathurst that I am in possession of letters to the end of January from Mr. Geo. Greig and at that period the *Fly Sloop of War* (the latest vessel that had left England at the period alluded to) had been arrived out nearly three weeks but no return of the Printing Materials had been made to my Brother, and I have his instructions to represent to Earl Bathurst the very embarrassing situation in which he found himself placed and to request an immediate explanation.

Mr. Geo. Greig returned to the Cape depending on the faithful fulfilment of the contract entered into by him with His Majesty's Government, the Breach of which Contract has blighted his prospects, destroyed his health and nearly effected his entire ruin—it now remains to be seen what redress His Majesty's Government will be disposed to grant under such circumstances. I have &c.

(Signed) WILLIAM GREIG.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE,
CAPE TOWN, *April 29th 1826.*

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 1st December last addressed to Lord Charles Somerset and delivered to me by Mr. Charles de Lorentz whom I have caused in obedience to your Lordship's order to be gazetted Superintendent of Police.

Having according to your Lordship's instructions consulted with His Majesty's Commissioners of Inquiry I now beg leave to submit for your Lordship's sanction the arrangements which after much consideration we have thought necessary to render the appointment of Superintendent efficient, and which have been prepared with reference to the future constitution of the Court of Justice as proposed by the Commissioners, so that if your Lordship shall approve of the measures we have adopted, they may be permanently established as a branch of the administration of Justice in this Colony. These arrangements involve some additional expense, but the Colony and particularly Cape Town will have the benefit of an efficient establishment of an important description, and in truth without the aids we have proposed the appointment of Superintendent would be of little avail.

Your Lordship having destined Mr. De Lorentz to the exclusive discharge of the executive duties of Police, we deemed it advisable to provide for the discharge of the judicial functions by appointing a Sitting Magistrate ; the monthly Commissioners from the Court of Justice, as at present deputed under the Crown Trial, being quite unequal to the required duty, and the appointment of a permanent Sitting Magistrate being part of the new system proposed by His Majesty's Commissioners of Inquiry, I have therefore to submit for your Lordship's approval the appointment to this Office of Mr. P. B. Borchers, one of the members of the Court of Justice, having thought it expedient to select a competent person from that body, as providing for one of those functionaries who will have a claim for compensation if the reform of the Court of Justice which the Commis-

sioners of Inquiry contemplate be carried into effect. They have recommended that Mr. Borchersds may be allowed a salary of £500 per annum, which will be an encrease of £181 5s. beyond his income as Member of the Court of Justice, but his duties will now be constant and heavy. It is further proposed to allow him one clerk at £100 a year. It is not proposed to name any person to the Court of Justice in Mr. Borchersds' room, but that he should continue to be a member and take his seat when on any particular occasion a full Court is required. It has been signified to him in case of your Lordship's having already appointed or hereafter appointing an English lawyer to the Magistrate's chair, Mr. Borchersds is to return to the Court of Justice with no other claim for compensation than what is common to all its members. I should add here that the Commissioners of Inquiry concur with me in thinking Mr. Borchersds a very fit person to fill this office.

It being desirable that the Sitting Magistrate should hold his Court apart from the higher Court of Justice, I have procured sufficient room for his accommodation and for the establishment of the Police Office in the Granary of the Burgher Senate. This building having been formerly a Custom House and but lately sold by this Government to the Burghers, I have thought it right to engage to pay them a rent of £100 per annum for the part of the building occupied by the Magistrate and the Police.

Mr. De Lorentz has in his office a Deputy Superintendent and one Clerk, and there are twenty Constables under his orders. These appointments do not involve any new expense, being branches of the Fiscal's office removed to the Superintendent's by a late arrangement of Lord C. Somerset. The person called Deputy Superintendent has a salary of £82 10s. only, and I think it likely when the proceedings in the Police Office shall become more summary by the introduction of English practice in the Courts, that this officer may be dispensed with. The foregoing appointments have been approved of by Council, and an Ordinance is in preparation to establish the new Court and declare its functions. This will be forwarded for your Lordship's sanction by the first opportunity after its promulgation.

The additional expense in Salaries and that incurred by these

arrangements (Magistrate £181 5s., his Clerk £100, Rent £100) will I hope be reported to the Colonial Auditors with your Lordship's approbation; and I beg leave to observe here that as far as I am acquainted with the proposed improvements of the Commissioners of Inquiry, particularly in the Courts of Justice, they all involve additional expense. The Salaries of the inferior officers generally throughout the Colony are undoubtedly too low, and altho' the number of persons employed may be safely reduced, it would be a measure of great severity to deprive those persons of their chief or only support. The revenues of the Colony will not however bear a greater, nor as I fear support the existing establishment. But as this is a consideration of paramount importance, it has no doubt formed a principal subject of the Commissioners' communications to your Lordship, and in this place it is unnecessary to remark further upon it.

What I have yet to state to your Lordship in this despatch has some reference to the foregoing observations. The nomination of Mr. De Lorentz to the office of Superintendent of Police has superseded that made by Lord C. Somerset in October last in favor of Mr. W. C. van Ryneveld, His Excellency being at that time uninformed of your Lordship's intention of sending out a Superintendent from England. The case of Mr. Van Ryneveld is peculiarly hard. He was removed from the situation of Deputy Fiscal to be made Superintendent of Police, and he is now removed from that office without the power of returning to the other. He is a gentleman of unexceptionable character and of a family amongst the most distinguished in the Colony for attachment to the British Government. There is not at present any equivalent office vacant to which he can be appointed. I have therefore ventured to leave him for the present with the former salary of Superintendent (£225 per annum), and have directed him to assist Mr. De Lorentz to whom his experience may be of much service at the commencement of the Superintendent's official duty. I shall embrace the very first opportunity of submitting for your Lordship's decision some other provision for Mr. Van Ryneveld and hope for your approbation of the course I have in the mean time taken. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE,
CAPE TOWN, *April 29th 1826.*

MY LORD,—In obedience to the order contained in your Lordship's Despatch of the 7th October 1825 addressed to Lord Charles Somerset and received here the 8th of February last, I have the honor to transmit a statement of all salaries coming under the operation of that order, namely of all salaries which having been increased without your Lordship's sanction are suspended from the 31st March last, being the period for the payment of such salaries which followed the receipt of your Lordship's instructions. In this statement are contained all augmentations made since the 27th May 1824, those which had been made previously to that period (with the exception of one which was omitted to be returned in its proper place and is therefore now annexed) having been admitted and sanctioned by your Lordship's despatch of the 21st February 1825.

The whole of the salaries set forth in the enclosed statement, with the exception of those augmented since the 1st of January last, have been already reported to your Lordship with such remarks as were thought necessary in explanation of the increase. These remarks I have caused to be annexed to the statement now furnished, in order that the whole case might be brought under your Lordship's notice in one document. I trust your Lordship will be pleased to signify your decision upon the subject of these salaries at your earliest convenience, that in the event of your Lordship finding the reason for the augmentation sufficient, the suspension may be removed, or in case of your Lordship's disapprobation, that the individual concerned may be speedily informed of the actual amount of salary which he is in future to claim.

With respect to the apparent augmentation of salaries in the Printing Office, your Lordship will perceive that this has principally arisen from an allowance being granted in lieu of fees, which fees are now carried to the credit of the Colony and its revenue considerably encreased by the arrangement.

I trust therefore your Lordship will approve of my considering these salaries (though returned in the enclosed statement) as fit to be exempted from the suspension directed in your Lordship's despatch. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

List of all increases that have been made without the previous sanction of His Majesty's Secretary of State in the Salaries of Civil Servants on the Establishment of the Government of the Cape of Good Hope.

The Post Carrier of the George District. Date of augmentation 1st April 1824. Original Salary £27. Amount of augmentation made without previous sanction £11 8s. Remark : Certified to be indispensable by the Postmaster General and Landdrost of the George District.

The Sequestrator. Date of augmentation 21st January 1825. Original Salary £300. Amount of augmentation made without previous sanction £37 10s. Remark : A trifling increase to a Salary the inadequacy of which has already been brought under Lord Bathurst's notice and which was only added in order that Mr. Schönnberg, late landdrost of Swellendam, who was appointed to the situation might not be a loser from the change of office, his former salary having been Rds. 4,500.

The Parish Clerk at Graaff Reinet. Date of augmentation 25th February 1825. Original Salary £13 6s. 7½d. Amount of augmentation made without previous sanction £9 3s. 4½d. Remark : For the extra duty of reading prayers to the prisoners confined in the gaol at Graaff Reinet.

The Post Carrier of the George District. Date of Augmentation 29th June 1824. Original Salary £4 6s. per month per hour. Amount of augmentation made without previous sanction 9s. per month per hour. Remark : This encrease only places the Postholders in the George District on a footing with other Postholders in the Colony.

The Superintendant of the Printing Department. Date of augmentation 1st July 1825. Original Salary £90. Amount of augmentation made without previous sanction £60. The

Translator of the *Gazette*. Same date. Originally consisted in fees. Amount assigned without previous sanction £150 per annum. The Bookkeeper. Same date. Original Salary £37 10s. Amount of augmentation made without previous sanction £22 10s. The Printer Dutch Department. Same date. Original Salary £90. Amount of augmentation made without previous sanction £10. The first compositor. Same date. Original Salary £63. Amount of augmentation made without previous sanction £27. The second compositor. Same date. Original Salary £54. Amount of augmentation made without previous sanction £21. The Printer English Department. Same date. Original Salary £54. Amount of augmentation made without previous sanction £46. The first compositor. Same date. Original Salary £45. Amount of augmentation made without previous sanction £45. The second compositor. Same date. Original Salary £45. Amount of augmentation made without previous sanction £30. The messenger. Same date. Original Salary £18. Amount of augmentation made without previous sanction £4 10s. Two apprentices. Same date. Original Salary £10 16s. each. Amount of augmentation made without previous sanction £4 4s. each. Remarks: A new arrangement has been made in this Department in consequence of the loose and unsatisfactory manner in which it was formerly conducted. The superintendant and translator shared between them all the fees for translations, contrary to the express order of Government, and the compositors, independent of their pay, had a share of fees, which were authorised by Government. At present the salaries of the whole have been fixed, and all fees for translations, &c., are to be carried to account of Government, by which a considerable saving will be annually made.

The Superintendant of the Government Gardens. Date of augmentation 1st July 1825. Original Salary £54. Amount of augmentation made without previous sanction £18. The Gardener. Same date. Original Salary £45. Amount of augmentation made without previous sanction £27. The Overseer at Camp's Bay. Same date. Original Salary £36. Amount of augmentation made without previous sanction £9. Remarks: The persons who filled these situations having

resigned them in consequence of their pay being less than they could procure from individuals. The salaries now fixed are only equal to what can be obtained by every competent servant in the Colony. The raising of the salaries therefore to the present amount was a matter in which no choice was left.

The first Assistant to the Colonial Paymaster. Date of augmentation 1st August 1825. Original Salary £67 10s. Amount of augmentation made without previous sanction £22 10s. The second do. Same date. Original Salary £52 10s. Amount of augmentation made without previous sanction £15. Remark: By a late arrangement which has been made for the payment of all warrants for public expenditure by the Colonial Paymaster (in lieu of the former practice of paying part by the Treasurer and part by the Paymaster) two of the clerks have been removed from the one office to the other and a small encrease has been made to the clerk who has now become fixed in the Paymaster's office, which has been more than met by the reduction of the younger clerk in that office. A saving therefore accrues to Government by this arrangement.

Clerk to the Resident and Secretary of Simon's Town. Date of augmentation 15th September 1825. Original Salary £61 10s. Amount of augmentation made without previous sanction £13 10s. Remark: The salaries attached to these situations were so very small that it was impossible to get any competent person to accept of them. And at the request of the Government Resident the two were thrown into one, and a competent person appointed to do the duties, with a salary of £75 a year, being a small encrease of about £15 per annum.

Harbour Master at the Knysna. Date of augmentation 1st October 1825. Original Salary £60. Amount of augmentation made without previous sanction £30. Remarks: On a late change which was made in the appointments of Harbour Masters at Port Frances and the Knysna, the salaries of each were made equal, at Rds. 1200 or £90 per annum. The Harbour Master at the Knysna had previously only Rds. 800 or £60 Sterling, but there was a Custom House Officer with a salary of Rds. 1000 or £75 Sterling per annum. This office has now been done away with, and the Harbour Master acts

as Custom House Officer. On the other hand the Harbour Master at Port Frances receives Rds. 1200 in lieu of Rds. 1500 or £112 10s. Sterling per annum, which was formerly the salary, so that by this arrangement an annual saving has been made of Rds. 900 or £67 10s. Sterling.

Post Carrier of the Uitenhage District. Date of augmentation 28th November 1825. Original Salary £40 10s. Amount of augmentation made without previous sanction £7 10s. Remark : This trifling compensation was authorized under the peculiar circumstances of the difficulty of the hill over which the Post holder Rademeyer had to convey the Mails.

Chief Clerk in the Colonial Office. Date of augmentation 1st July 1825. Original Salary £112 10s. Amount of augmentation made without previous sanction £112 10s. Third Clerk in do. Date of augmentation 1st January 1826. Original Salary £67 10s. Amount of augmentation made without previous sanction £112 10s. Remarks : Messrs. Brink and Zastron formerly held situations of considerable profit in addition to those they now hold. Their retaining these however was very properly considered incompatible with the faithful discharge of the laborious and important duties attached to those they now hold in the Colonial Office. Accordingly in July last Mr. John Brink was induced to resign the situation of Collector of Stamps, the salary and fees attached to which were calculated at Rds. 2,000 per annum, and in August last that of Bookkeeper to the Printing Department, the salary of which amounted annually to Rds. 500 (besides several fees of which he was in the receipt) were taken from Mr. Zastron. The date of Mr. Brink's encrease will therefore be July 1st 1825. Upon taking the opinion of His Majesty's Commissioners of Inquiry as to the amount of encrease they would recommend to these gentlemen His Excellency received a letter in which the encrease that has been made is recommended.

The Government Agent at the Chumie. Date of augmentation 1st January 1826. Original Salary £75. Amount of augmentation made without previous sanction £75. Remarks : The Government Establishment at the Chumie formerly consisted of two joint Agents, Messrs. Thomson and Brownlee, each of whom enjoyed a salary of Rds. 1,000 ; at the end of last year Mr. Brownlee resigned, and His Excellency, con-

sidering how important it was to the interest of the Colony and the safety of the Frontiers that the Government Agent residing with Gaika, King of a very important Caffre Tribe, at present a faithful ally of Great Britain, should be a man of talents and good character, and considering how totally inadequate the sum of £75 per annum was to the services rendered to the Colony by Mr. Thomson, determined with the approbation of His Majesty's Commissioners of Inquiry to augment his salary by the amount formerly enjoyed by Mr. Brownlee.

The Pressman in the Government Printing Office. Date of augmentation 1st January 1826. Original Salary £30. Amount of augmentation made without previous sanction £30. Remark : The salary of the pressman was formerly £90 per annum, but as he was a private in the 55th Regiment and received 10*d.* per diem as such, his salary was reduced to £30 on the new organization of the Printing Department. He has since left the army, and it has therefore been considered necessary that he should receive this additional augmentation to his present salary, which is £30 less than he had originally.

Postholder in the George District. Date of augmentation 24th January 1826. Original Salary £92 11*s.* Amount of augmentation made without previous sanction £7 10*s.* Remark : This encrease has been made at the recommendation of the Postmaster General in consequence of the great difficulty to which Mr. Ferreira is subjected in carrying the mail over the hill Wolfkraal in the District of George and Uitenhage.

Colonial Office, April 29th 1826.

By His Honor's Command.

(Signed) RICHD. PLASKET, Secretary to Government.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE,

CAPE TOWN, *April 29, 1826.*

MY LORD,—I have the honor to transmit to your Lordship two lists of items in the public expenditure of this Government which have been incurred during the quarter ending 31st March last, together with copies thereto annexed of the representations upon which the appointments and augmentations have been founded.

As it will appear to your Lordship on perusal of these documents that the measures which have been undertaken were found necessary to supply the actual wants of the Public, I trust your Lordship will be pleased to direct your approval of them to be conveyed to the Colonial Audit Office.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

List of Appointments on the Civil Establishment of the Government of the Cape of Good Hope conferred during the quarter ending 31st March 1826, which require the sanction of His Majesty's Secretary of State for the Colonies.

Date.	Office.	Salary.	Remarks.
29 Nov. 1825.	Two Caffre Interpreters in the Albany District.	£3 12s. each.	The necessity of these appointments is evident, since without them the communication between the local authorities at the fairs established in Albany and the Caffre nation would be entirely suspended.
1 Jan. 1826.	The following Public Schoolmasters and other persons formerly on the Establishment of the School Commission : English Teacher at Somerset (Hottentots Holland).	£60.	The funds of the School Commission upon the Establishment of which these persons have formerly been borne originated in subscription, and all expenses attending the Institution are supposed to have been defrayed from this source.
	Do. at Simon's Town	£37 10s.	These sums however in reality have always been inadequate to meet the annual expenditure, and it has been customary to make good from the Colonial Funds the sum found wanting.
	Do. at Graham's Town	£45.	To avoid this circuitous method of payment, it has lately been considered expedient that the whole Establishment should be paid directly by the Colonial Government, and as it becomes a matter of course that the funds of the Institution will now be paid into the Colonial Treasury, altho' this new charge will now appear against the Colonial Government no additional expense will in reality be incurred.
	Schoolmistress at Simon's Town .	£45.	
	Instructor of Slaves at Stellenbosch .	£25.	
	The Secretary and Treasurer . .	£90.	
	Two Dutch Schoolmasters at £33 15s. each.	£67 10s.	
	Four privileged Dutch Teachers at £7 10s. each.	£30.	
	1 do. in Arithmetic	£27.	
	Privileged English Teacher . .	£27.	

English Teacher Free School	£60.
Dutch do.	£60.
English do. new	£60.
Dutch do. do.	£45.
Sewing Mistress do.	£30.
Messenger	£15.
Porter	£18.
Apprentice	£9.
J. C. Overbeek as Teller in the Dis- count Bank.	£45.

19 Jan. 1826.

The great encrease of labour which has been thrown upon the Discount Bank in consequence of the introduction of the silver and copper coinage and the necessity of receiving deposits of whatever amount in pieces of small value rendered the appointment of an Officer whose duty should consist merely in telling the silver money absolutely necessary, and on the strong recommendation of the President and Directors of the Bank Mr. Overbeek was appointed.

George Kekewich as Assessor to His Excellency the Governor in the Court of Appeals for Civil Cases.	£200.
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25 Jan. 1826.

This appointment is one of great importance, as it affords to His Excellency the Governor in his situation as Sole Judge in civil appeal cases the means of receiving legal advice, which formerly he could only obtain from the Secretary to the Court. The salary of Mr. Kekewich will not be an additional charge upon the revenue of the Colony, as an equal amount has been deducted from the allowance which was formerly made to the Secretary to the Court.

A. J. Caldecott, English Teacher at Somerset.	£80.
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26 Jan. 1826.

In consequence of the creation of the Sub-Drostdy of Cradock into the new Drostdy of Somerset and of the great encrease which has taken place in the population from the influx of Persons from all quarters, it has been deemed indispensable to give the inhabitants of this District the same facilities of education as those enjoyed by

Date.	Office.	Salary.	Remarks.
2 Feb. 1826.	The Nightly Watch consisting of the following persons :— 1st Commandant . . . 2nd do. 4 Watchmen, each at . . . 36 do. do. 2 do. do. 1 do. do.	£67 10s. £58 10s. £35 11s. £28 16s. £13 10s. £7 10s.	all other colonists. Mr. Caldecott was appointed to the situation in consequence of the flattering testimony which was borne to his acquirements and general character by the School Commission. This expense, which was formerly defrayed by the Burgher Senate, has in consequence of new regulations which have been established regarding the Police been transferred to this Department and will in future be borne upon its fixed establishment. The increase however which will thus be made to the colonial expenditure will be merely nominal, as the Burgher Senate have transferred to the account of Government the portion of revenue which has hitherto been appropriated to the payment of these officers. The situation of messenger to the Court of Appeals having lately become vacant by the death of Mr. Jonker, and the duties attached to that situation in the Council Office, although not very laborious yet rendering the assistance of such an officer absolutely necessary, it has been thought fit from motives of economy that one person should be appointed to discharge the duties of both, and the appointment of Mr. Fison has consequently taken place. The salary of the former messenger of the Court of Appeals amounted to £22 10s., so that the actual increase to the ordinary expenditure by this arrangement does not exceed £9.
6 Feb. 1826.	John Fison as messenger to the Council Office and Court of Appeals	£31 10s.	

Colonial Office, 29th April 1826.

By His Honor's Command.

(Signed) RICHD. PLASKET, Secretary to Government.

[Enclosure 2 in the above.]

Has been given elsewhere.

[Enclosure 3 in the above.]

CAPE TOWN, *March 2, 1826.*

MY LORD,—We have the honor to acknowledge the receipt of your letter (marked private and confidential) dated 24th ultimo, and in compliance with the wish expressed by your Lordship to be possessed of our opinions as to the amount of the salaries that we would recommend to be given to Messrs. John Brink and Zastron, we beg leave to state that from a mixed consideration of the amount of the salaries and fees that they were induced to give up, and of the importance of the duties attached to their present situations, we are of opinion that Mr. John Brink should receive a salary of two hundred and twenty five pounds sterling per annum, and Mr. Zastron that of one hundred and eighty pounds. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

His Excellency Lord Charles Somerset.

[Enclosure 4 in the above.]

LOMBARD BANK, *19th January 1826.*

SIR,—With reference to your letter of the 5th Inst. we have the honor to recommend for His Excellency the Governor's approval the appointment of Mr. Jacobus Christoffel Overbeek, at present one of the supernumerary clerks in the Orphan Chamber to fill the situation of Teller in the Discount Bank, with a salary of forty five pounds sterling per annum.

The good character we have received of Mr. Overbeek and the confidence which Mr. Crozier, the Cashier, appears to place in his integrity and abilities, has been our only inducement for thus recommending him for the appointment in question.

We have &c.

(Signed) J. MARSHALL,
W. HEWETSON,
G. H. MAASDORP.

The Secretary to Government.

[Enclosure 5 in the above.]

POST OFFICE, 16th January 1826.

SIR,—I have the honor to state for the information of His Excellency the Governor, in reply to a letter from the Landdrost of George respecting an additional allowance of one hundred rixdollars per annum to the Postholder P. H. Ferreira, as compensation for the difficulty there is in conveying the Mail over the Hill on the Cape Town side of the Wolfkraal situated in the Districts of George and Uitenhage, that the Postholder P. H. Ferreira, whose duty it is to convey the Mail over the above hill on its way to the interior, is fairly entitled to the same compensation that His Excellency the Governor was pleased to allow to the Post Holder Rademeyer, say one hundred rixdollars annually. I have &c.

(Signed) R. CROZIER.

The Secretary to Government.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR RUFANE DONKIN.

DOWNING STREET, 29 April 1826.

SIR,—His Majesty's Commissioners of Enquiry at the Cape of Good Hope having in a Report, of which an extract is enclosed, informed Earl Bathurst that in giving directions for the prosecution of Mr. Hugh Huntley, an Inhabitant of the District of Uitenhage at the Cape of Good Hope, for a libel on the Landdrost of that District, you had caused it to be intimated to the Court that Mr. Huntley should not be allowed on his trial to bring forward other matter than what was alleged in the said libel, I am directed by His Lordship to request that, to assist him in forming a judgment on the whole of this case, you will explain to him the grounds upon which you exercised this interference with the proceedings of a Court of Justice. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 29 April 1826.

SIR,—I am directed by the Earl Bathurst to desire that you will move the Lords Commissioners of the Admiralty to give directions to the Senior Officer Commanding His Majesty's Ships and Vessels at the Cape to make arrangements for conveying His Majesty's Commissioners of Enquiry from the Cape to the Mauritius. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. W. GREIG.

DOWNING STREET, 29 April 1826.

SIR.—Mr. W. Horton having put into my hands your letter of the 27th instant, I immediately laid it before Earl Bathurst, who directed me to acquaint you in reply that the Instructions which have been transmitted to the Cape for the restoration of the Printing Presses and Materials to your Brother could only have reached that Colony on the 9th of February last.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JOHN FOURNIER.

DOWNING STREET, 29 April 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your memorial of the 28th Instant, and to acquaint you in reply that as yet no report has been received from His Majesty's Commissioners of Enquiry upon the subject of the memorial which you addressed to his Lordship on the 15th of September last. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. CHARLES D'ESCURY to EARL BATHURST.

CAPE TOWN, CAPE OF GOOD HOPE, 29 April 1826.

MY LORD,—May I hope that Your Lordship will not deem an intrusion the liberty I take of addressing You, nor consider premature the occasion of it, which, with the least possible trespass on Your Lordship's time, I beg leave to submit to Your consideration.

The Auditor, Mr. Bentinck, is now going home on leave of absence, and it is surmised, from the length of time he has been in the Colony, and his having disposed of all his property here, that he does not intend to return. Should that be the case, may I solicit Your Lordship's favour to appoint me to succeed to the situation in exchange for the one I now hold. I am aware that I cannot support this application by the interest of friends whose recommendation would have much weight, but, on the other hand, I feel convinced that with Your Lordship no interest pleads more forcibly than *Merit*, and whereas His Majesty's Commissioners have reported to Your Lordship my official conduct and general deportment to have been meritorious in a laborious and important office, which I have now held during Twelve Years, under circumstances of no ordinary difficulty and disadvantage. The office when rendered effective at my appointment in 1814 had for object to give effect to the measure, then just adopted, for changing and putting on a fixed and permanent footing the whole of the Land tenure of this extensive Colony, respecting which rooted habits, the most confirmed prejudices, together with a very extensive illegal occupancy of the soil, were to be overcome and recovered. And if I were allowed to claim any merit for myself, while addressing Your Lordship, I would add this, so entirely has the applying of the operations of this Department to the forwarding of the objects of the measure above alluded to been left to my direction, that to this day no Instructions have been framed for my guidance. Yet by a fatality of I believe rare, if not unprecedented, occurrence, as the labour of my office, and with it my exertions, increased, so did the remuneration attached to it successively *diminish*, without the slightest compensation ever having, in any shape, been allowed

to me ; on the contrary, I have been made to feel, in the keenest manner, the effects of having preferred doing my duty to the consideration of personal interest, and which remuneration is at this moment *inferior in value to that which my predecessor enjoyed when the Situation was a perfect Sinecure!* And, My Lord, the fact is in detail before the Commissioners that this so diminished remuneration, and the consequences it has led to, are at this time most severely and painfully felt by me. May I therefore, My Lord, indulge the hope that these circumstances will, on the present occasion, obtain Your Lordship's favourable consideration, or otherwise ensure to me the advantage of Your Lordship's protection and patronage in any other way hereafter, should the event now contemplated not take place.

With the greatest respect I have &c.

(Signed) CHAS. D'ESCURY.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

CAPE OF GOOD HOPE, 30th April 1826.

MY LORD,—I have the Honor to transmit to your Lordship the General Monthly Return of the Forces serving under my Command to the 25th Instant. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, OLD BROAD STREET, April 30th 1826.

SIR,—I beg to inclose the lists of the names of those persons wishing to proceed with me to their parents, husbands, &c. at Graham's Town, Cape of Good Hope, agreeable to Earl Bathurst's letter of the 10th Instant, and request you will be pleased to direct the solicitor of the Treasury to favour me with the terms of security his Lordship wishes me to give.

I am &c.

(Signed) WM. SHEPHERD.

[Enclosure in the above.]

Names of Persons, Relatives of Settlers with their families, desirous of proceeding to Graham's Town, South Africa, under the patronage of His Majesty's Government.

To whom related in the Colony.	Names of Families.	Age.	Sons.	Age.	Daughters.	Age.
D. Roberts	John Paskins . Wife Elizabeth .	41 38	John .	21	—	—
W. Shepherd	Henry Yarrington . Wife Charlotte .	30 28	—	—	—	—
C. Croft	George Furby . Wife Jane .	52 52	George . Benjamin .	22 9	Charlotte . Elizabeth .	14 10
J. Howe	Francis Cato . Wife Jane .	34 32	George . Joseph . Henry . Orlando . William .	12 12 4 1 ¹ / ₂ 20	— — — — —	— — — — —
J. Parkin	William Parkin .	44	Isaac . John . Thomas .	11 10 7	Charlotte . Sarah . Elizabeth . Margaret . Mary Ann . Eliza . Catharine . Elizabeth .	16 14 12 30 12 14 6 4
H. Crowley	Elizabeth Crowley .	50	John .	12	—	—
J. Crowley	Ann Crowley .	26	—	—	—	—
J. Biggs	Mary Ann Biggs . Harriet .	16 14	—	—	—	—
J. Pankhurst	Thomas Pankhurst . Wife Ann .	30 28	Thomas .	3	Ann . Elizabeth .	5 1
A. Kidwell	Eleanor Kidwell . Elizabeth Osbourn .	30 34	— Charles . George . John Thomas .	— 11 9 2	— Eliza . — —	— 7

[illegible]

Names of Persons, Relatives of Settlers.—continued.

To whom related in the Colony.	Names of Families.	Age.	Sons.	Age.	Daughters.	Age.
W. Thackwray . .	Crofts Mayer . Wife Catherine .	47 50	Thomas John David Francis Joseph Francis William George James John	7 1 1½ 29 24 18 5 11 9 4 1	Hannah Grace Matilda Mary Ann	— — — — 23 19 13 7
J. Wyatt . .	Charles Wyatt Wife Frances .	45 37	Stephen James Joseph William Robert Richard John	12 9 6 7 5 3 6	Jane	14
A. Harpur . .	Eliza Barnes . Richard Humphries Wife Ann .	19 45 37	Stephen James Joseph William Robert Richard John	— 12 9 6 7 5 3 6	Mary Jane Susannah Eliza Mary Martha Elizabeth Amelia Ann	16 14 10 13 7 3 18 14 6
R. Atwell . .	William Wells . Wife Mary Ann	37 31	Samuel George James	9 5 16		
S. Brown . .	Nathan Morris Wife Sarah .	40 36				
J. Adams . .	Jane Adams .	30				
T. Young . .	Samuel Webber Wife Martha .	38 30				
J. Mandy . .	Ann Mulligan .	42				

J. Roe . . .	Hannah Roe . . .	40	—	—	—	Mary Ann Elizabeth . . .	16
J. Hannan . . .	Sarah Sayers . . .	26	—	—	—	Elizabeth . . .	11
H. Marshall . . .	Jane Sayers . . .	22	—	—	—	—	—
T. Mandy . . .	Mary Marshall . . .	32	—	—	—	—	—
R. Pitt . . .	Henry Cook . . .	27	—	—	—	—	—
	Wife Elizabeth . . .	22	—	—	—	—	—
	Robert Mitchener . . .	47	—	—	—	—	—
	Wife Jane . . .	44	—	—	—	Elizabeth . . .	25
			William	.	21	Jane . . .	20
			Francis	.	19	—	—
			John	.	11	—	—
			James	.	8	—	—
			Edward	.	6	—	—
J. Wills . . .	James Adams . . .	56	—	—	—	Sarah . . .	30
J. Divine . . .	Wife Mary . . .	56	—	—	—	—	—
	John Macintosh . . .	34	—	—	—	Jane . . .	1
J. Rathbone . . .	Wife Jane . . .	34	—	—	—	—	—
	Sarah Burling . . .	18	—	—	—	—	—
W. Austin . . .	James Burling . . .	19	—	—	—	—	—
— Nieland . . .	Sarah Dawson . . .	30	—	—	—	—	—
	Hugh Nieland . . .	36	—	—	—	—	—
	Henry Howard . . .	47	Patrick	.	12	—	—
	Wife Maria . . .	47	—	—	—	Sarah Elizabeth . . .	11
J. Patrick . . .	John Witnall . . .	24	—	—	—	—	9

Letter from MR. ADAM MULHOLLAN to R. W. HAY, ESQRE.

BALTINGLASS, IRELAND, 30th April 1826.

SIR,—I beg leave to acknowledge the receipt of your letter of the 27th Instant in answer to mine of the 22nd relative to a letter wrote on the 6th Inst. by an Adam Mulhollan of this town on the subject of Emigration to the Cape of Good Hope, and expect you will be pleased to acquaint Earl Bathurst, that the person who wrote the letter, was one of the numerous train of my friends who were to accompany me to British America, should the grant of Emigration be made to me by his Lordship, and which I trust will ere long.

I beg further to add, that the above-named Adam Mulhollan was in Dublin some time back where he got acquainted with a Mr. Sheppard who incited him to write the letter in question. My not living in the immediate vicinity of this town prevented him (he says) of informing me on the subject, and on the whole may be imputed to youth and inconsiderateness.

My only request is that his Lordship in his wonted goodness will be graciously pleased when an Emigration takes place, to admit me and mine to participate in it, and trusting he will excuse my importunity, I presume to subscribe myself, Sir, &c.

(Signed) ADAM MULHOLLAN.

[Original.]*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE.

CAPE TOWN, May 1st 1826.

MY LORD,—I have the honor to enclose a copy of certain resolutions passed this day in Council on the subject of the Corn Trade of this Colony. In my letter of the 3rd ultimo I stated to your Lordship that I should take an early opportunity of bringing under your notice a revision of the Colonial corn laws as both with regard to external commerce and internal

circulation the existing regulations appeared inexpedient and oppressive. Your Lordship may form some idea of the extent to which legislation on the supply of the chief articles of food has been carried, when I state that there are at present twenty-six statutes on the book affecting the import, export and internal circulation of Grain and Flour, nine others relating to the market duties, and two market regulations of the Burgher Senate, the chartered body to which reference is made in the enclosed resolutions. The Members of the Council have severally convinced themselves by calculations made upon the usual prices of Grain and Flour in the Ports of Bengal, New South Wales, the United States and Great Britain and the cost of bringing those products from thence, that the Grower in this Colony has nothing to dread from foreign competition, whilst the Consumer may be relieved from the evil of scarcity in bad seasons, and the Government from much anxiety, by permitting the importation at all times under the proposed regulations. The prices in these markets will be kept equable and moderate and much unnecessary and vexatious interference avoided.

If your Lordship should think proper to lay these resolutions before the Board of Trade, I should hope for an early decision as the prohibition contained in the Proclamation of the 8th February 1822 will revive on the 1st January next unless further repealed. I have &c.

(Signed) RICHD. BOURKE.

[See Proceedings of the Council.]

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *May 1st 1826.*

MY LORD,—With reference to the Despatch No. 153, addressed to your Lordship on the 16th February 1825 by Lord C. Somerset recommending, in consequence of the bad state of health of Mr. J. H. Lange, District Clerk of Uitenhage,

that he should be allowed to retire on a pension of Rds. 800 (or £60) per annum, as a recompense for his length of service and the loss of health he had sustained by confinement to his duties, I have the honor to transmit to your Lordship a Memorial addressed to me by Mr. Lange renewing his request for retirement on the terms expressed in his former application.

From the peculiar circumstances of the applicant, and from the high testimony borne in his favor by the Landdrost of Uitenhage, corroborated by the accompanying letter from the late Colonial Secretary (Mr. Alexander), I am induced to request your Lordship's favorable consideration of his case.

(Signed) RICHD. BOURKE.

[The enclosures I have not considered it necessary to copy.
—G. M. T.]

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, May 1st 1826.

MY LORD,—I have the honor to inform your Lordship that the Landdrost of the Albany District, Major W. B. Dundas of the Royal Artillery, has been lately required to join his Company in America. He applied some time ago for two years leave of absence, to which application an answer has not yet been received. He is willing to devote two years more to the troublesome employment he holds in Albany, and I am so thoroughly convinced of the great loss the Colony will sustain by his removal from that District, that I think myself bound to recommend to your Lordship an application to His Grace the Master General for permission to Major Dundas to remain. In the present circumstances of the Albany District any change in its Magistracy would be peculiarly disadvantageous, and the more so as I am not acquainted with an Englishman now in the Colony whom I would like to appoint to it. Major Dundas is fully aware of the views of the Government with respect to the Settlers, he is well acquainted with the people and their several

claims, and has been and still is entrusted with the division of land and the arrangement of grants. He discharges all these and many other arduous duties in a manner that does him the greatest credit and the Colony the greatest service. I therefore trust that your Lordship will be pleased to use your influence to continue to the Colony the benefit of Major Dundas's exertions for the next two years by procuring his leave of absence to be extended to that period. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to R. W. HAY, ESQRE.

GOVERNMENT HOUSE,
CAPE TOWN, *May 1st 1826.*

SIR,—With reference to Mr. Horton's letter to His Excellency Lord C. H. Somerset of the 30th September 1823 I have the honor herewith to transmit you a brief Summary of the separate points contained in the Despatches addressed by His Lordship to Earl Bathurst and his Under Secretary of State, from the 1st January 1825 to the period of His Excellency's departure from this Colony for England; and I beg to add that at the close of the present year the first article of the instructions contained in your Circular of the 26th July 1825 shall be adhered to. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MESSRS. FREDERICK HUTH & Co. to EARL BATHURST.

9 SOUTH STREET, FINSBURY, *1st May 1826.*

MY LORD,—We request your Lordship will favor the bearer Mr. H. G. G. Schünemann with the necessary Passport to enable him to proceed to the Cape of Good Hope. Mr. Schünemann is lately arrived from Hamburg for the purpose of joining

the establishment of Messrs. Pallas & Poleman, extensive Apothecaries and Druggists at Cape Town. By obliging Mr. Schünemann thus far you will confer a favor on &c.

(Signed) FREDK. HUTH & Co.

[Original.]

Note from MR. B. BURNETT to R. W. HORTON, ESQRE.

Mr. B. Burnett presents his compliments to Mr. Horton, and begs to express his wish for a private and confidential interview with Mr. Horton before he proceeds further in Parliament in his case with Lord Charles Somerset.

Mr. Burnett declines communicating with Mr. Hay.

BROWN'S HOTEL, 1st May 1826.

[Original.]

Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.

NO. 2 BARDON PLACE, PECKHAM,
SURREY, May 2nd 1826.

SIR,—I have the Honor to acknowledge your reply of the 26th Instant to Mrs. Erith's Petition to the Right Honorable Earl Bathurst, as also to apologize to Mr. Hay for not being able to avail myself of his invitation in laying my case before His Lordship sooner, Sickness having prevented me.

My mind being now more at ease on account of my Family I have no doubt but Health will follow.

In Intruding on His Lordship's time I have enclosed a Brief but Curtailed Statement of my case for His Lordship's consideration. At the time I take the liberty to name to Mr. Hay that my Family weighing upon my exertions for their support I have no doubt His Lordship will see how unpleasantly I am situated, and till His Lordship will be graciously pleased to investigate into it, render me such assistance as His Lordship in His Wisdom shall see necessary. I have &c.

(Signed) JAMES THOMAS ERITH.

[Original.]

Petition of MR. JAMES THOMAS ERITH to EARL BATHURST.

NO. 2 BARDON PLACE, PECKHAM,
SURREY, *May the 2nd 1826.*

To the Right Honorable the Earl Bathurst, K.G., One of His Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of James Thomas Erith humbly sheweth

That in the year 1820 your Memorialist embarked on board the *Brilliant* for the new settlement at the Cape of Good Hope, accompanied by nine servants articted for three years at liberal wages, previously paying into His Majesty's Treasury £105 agreeable to the conditions upon which your Memorialist was to receive his grant of Land.

Your Memorialist when arrived on the Frontiers of the Colony was placed on a Location by Captain Somerset (the Acting Landdrost) which your Memorialist was perfectly satisfied with, and immediately commenced building a House, Deposited all his Garden Seeds, &c., &c., when after a residence of nearly ten weeks your Memorialist was ordered by Captain Trappes (the Provisional Magistrate) to quit that Location for a Desolate spot called "Waaye Plaats," abandoned by the Dutch Inhabitants in consequence of its vicinity to the Caffer Country, as also by Mr. Damant, a Settler, in consequence of the Rocky Barren nature of its Soil.

Your Memorialist is at a loss to account for the Landdrost of the Drostdy issuing the note for your Memorialist's removal in any other way than that private revenge actuating the motives, the Provisional Magistrate in consequence of your Memorialist refusing to give up some of his Articted Servants stimulated him to prevail on Lieutenant Cuyler to order the above named removal to do your Memorialist all the injury that lay in his power in the infancy of his undertakings and while on a bed of sickness. For your Memorialist had had orders from Captain Somerset not to remove from *that Location* on which he had himself placed your Memorialist without his (Captain Somerset's) positive official orders.

Your Memorialist will only here intrude on Your Lordship's

time by noticing how impossible it was for one Individual to obey such conflicting orders, without entering minutely into the forcible manner of his removal, the property he lost on the occasion, the unavailing applications to be removed back or to be allowed to return to England, a correspondence which was protracted until the arrival of His Excellency the Governor Lord Charles Somerset, when your Memorialist made His Excellency acquainted with it, at the same time praying for such redress as the aggravated nature of the circumstances required.

Your Memorialist finding no hopes of adjustment likely to take place on the part of the Colonial Government from the evasions with which their answers abounded, and not being allowed a Pass even to remove from one District to another, built himself a House considerably within the precincts assigned him by the Provisional Magistrate, and as was also specified by being publicly posted at Bathurst, and after your Memorialist had gone to considerable expense in the erecting of it, a written order was issued by the Landdrost Harry Rivers, Esquire, to the following effect: "Destroy the House in what way you think proper," drawing a slur underneath the words, which was fired over our Heads August the 5th 1822 by two Constables.

Your Memorialist cannot here detail to Your Lordship all the circumstances attending such dilapidation, as Humanity must keenly feel for Sufferers when such a circumstance arises from accident. Your Memorialist is therefore certain Your Lordship will view it with feelings adequate to the crime when reflection calls to mind that it was a Deliberate and Wanton Act, from which no benefit could result.

Your Memorialist again memorialed for a Pass, when three months after His Excellency the Governor refused the granting him one, in consequence of which refusal the Wife of your Memorialist was obliged to repair to Cape Town to wait on His Excellency the Governor, who then promised it should be granted, but not until three months after it had been sent from Cape Town to the Landdrost was it given up (July 8th 1824).

Your Memorialist having been referred by His Excellency the Governor to the Law for Justice if he thought himself injured, your Memorialist immediately memorialed His Honor the

Chief Justice to allow him to prosecute Captain Trappes and H. Rivers, Esqre., on the ground of oppression and injustice, which his Honor the Chief Justice granted, and His Majesty's Fiscal had orders to that effect.

Your Memorialist now expecting equitableness would decide a course of oppression which had ruined himself and Family, looked forward with confident hopes of its success, when His Excellency the Governor would not allow it to come into Court, but previously decides thereon.

Your Memorialist's hopes being now completely defeated in obtaining any justice at Cape Town embraced the earliest opportunity of embarking for England, to lay his case before Your Lordship, leaving his Family as stated in a Memorial bearing date Cape Town, October 25th 1825, and as far as relates to the Commissariat Department and Caffer Cattle your Memorialist is ready to substantiate.

Your Memorialist in this brief statement has merely noticed to Your Lordship the leading features of his case, without alluding to the manner of his Servants being taken from him, but at the same time your Memorialist was compelled to feed them, inasmuch as their Rations was placed to his account, the whole of which your Memorialist feared would be too voluminous for that immediate attention from Your Lordship which the situation of his Family requires, he therefore humbly intreats Your Lordship will take his case into your serious consideration. The whole of Memorialist's Property (part consisting of a Marriage Settlement of £65 per annum) having been embarked in this Undertaking, which His Majesty's Ministers with so much liberality caused the Settlers to leave the Shores of England under, but which your Memorialist is sorry to complain has been frustrated and destroyed if not by the hands, it has by the orders and under the sanction of the Authorities of the Cape of Good Hope.

Your Memorialist with great Deference to Your Lordship is ready to produce any part of the Official Documents bearing on his case, whenever Your Lordship is pleased to call for them, as also to notice to Your Lordship that had your Memorialist been protected in his Agricultural pursuits and property he had no Personal dislike to the Colony of the Cape of Good Hope.

Your Memorialist therefore humbly requests Your Lordship's attention to the immediate support of his Family, his constitution not being robust and much exertion being necessary for the Maintenance of six Persons, at the same time your Memorialist would wish to endeavour to provide for his Family, yet without resources he finds it impossible, he therefore most earnestly requests Your Lordship's notice and protection.

And Memorialist as in duty bound will ever pray.

(Signed) JAMES THOMAS ERITH.

[Copy.]

Market Prices at Cape Town of the under-mentioned Articles.

	£	s.	d.	£	s.	d.
Aloes, per pound	—	—	1½	—	—	1½
Barley, per muid	—	12	—	—	13	6
Beams, each	—	12	—	—	13	6
Beans, per muid	—	9	—	1	7	—
Butter, per pound	—	—	7	—	1	—
Brandy, per leaguer	10	10	—	12	—	—
Chaff, per 16 sacks	4	2	6	4	17	6
Elephants Teeth, per pound	—	3	—	—	3	9
Feathers, Ostrich, each	—	—	4½	—	1	6
———— Bed, per pound	—	1	10½	—	2	7½
Flour, fine, per 100 pounds	1	10	—	1	17	6
Hay, per 100 pounds	—	7	6	—	8	3
Maize, per muid	—	10	6	—	13	6
Lentils, per muid	—	16	6	—	18	6
Lime, Shell, per half-aum	—	3	—	—	3	4½
———— Stone, per half-aum	—	1	10½	—	2	3
Oats, per muid	—	9	—	—	10	6
Onions, per muid	—	9	—	—	10	6
Peas, per muid	—	12	—	—	18	—
Potatoes, per muid	—	10	6	—	13	6
Rye, per muid	—	19	6	1	1	—
Salt, per muid	—	3	—	—	7	6
Sole Leather, per piece	—	10	6	—	13	6
Soap, per pound	—	—	4½	—	—	6

	£	s.	d.	£	s.	d.
Suet or Tallow, per pound	—	—	6 $\frac{3}{4}$	—	—	7 $\frac{1}{8}$
Skins : Lion, Tiger, &c. each	—	4	6	—	7	6
Dry Ox Hides, each	—	7	6	—	10	6
Dry Goat Skins, each	—	1	6	—	—	3
Tobacco, per pound	—	—	7	—	—	7 $\frac{1}{8}$
Wheat, per 10 muids	16	6	6	20	12	6
Wine, ordinary, per leaguer	3	—	—	3	7	6
Wool, Sheep, per pound	—	—	9	—	1	6

CAPE TOWN, 3rd May 1826.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.

DOWNING STREET, 6 May 1826.

MY DEAR SIR,—We are very much pressed by the Individuals who are desirous of joining their relations at the Cape, for a final answer to their application ; and I take the liberty therefore of requesting an early answer to my communication of the 24th ultimo.

I should add that according to the final list given in by Mr. Shepherd, the Manager of the Undertaking, the whole number of the persons to be conveyed will not exceed 179.

Yours very truly,

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 6 May 1826.

SIR,—Having laid before Earl Bathurst your letter of the 30th ultimo enclosing a List of the persons who are desirous of accompanying you to the Cape of Good Hope for the purpose of joining their relatives there, I am desirous to acquaint you that this List varies so much from that which you delivered

in the month of December last, that his Lordship is under the necessity of requiring from you some particular explanation as to the degree of relationship in which those persons stand towards the Settlers at the Cape, the more so as his Lordship has been principally induced to entertain your original proposal at the request of the Settlers themselves, and it could only lead to disappointment and confusion to send out to the Colony individuals whose presence was neither contemplated nor desired by the Settlers. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, May 6 1826.

SIR,—Earl Bathurst having been informed that you had induced one Adam Mulhollan of Baltinglass, in Ireland, and who is described as an inconsiderate youth, to apply to his Lordship for permission to emigrate to the Cape of Good Hope, I am directed by his Lordship to desire that you will acquaint me for his information whether the circumstances above stated be true, as his Lordship cannot but entertain doubts, after the caution which has been given you, that you would encourage individuals to address unnecessary applications to this Office.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, OLD BROAD STREET, May 7th 1826.

SIR,—In reply to your letter of the 6th Instant I beg to state that no inducement has been offered by me to the individual named Adam Mulhollan of Baltinglass, neither have I had

communication with any person of that name, but suppose that the applications arise from the information of their relatives in the colony stating that I am endeavouring to obtain permission of His Majesty's Government to bring them to the settlement, and I beg further to observe his Lordship's caution has and will be duly attended to by &c.

(Signed) WM. SHEPHERD.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, BROAD STREET, *May 7th 1826.*

SIR,—In reply to your letter of the 6th inst. in which my Lord Bathurst requires a more distinct statement of the degree of relationship in which those persons stand towards the settlers of the Cape of Good Hope and the cause of the present list varying from that of December last, I beg to inform his Lordship a number of the names will necessarily be different from those in that list in consequence of their being relatives by marriage and otherwise, and the present list is not so large as that of December last in consequence of some of the parties wished for not being to be found, and others declining to proceed to the Colony.

And I have further to state, I have taken the liberty to insert several names of persons who have applied to me stating they have relatives at the settlement (and of whom I have some knowledge), whose friends have written for them since I left the Colony, and directed them to apply to me, which may account for some names appearing in the present list which is not in that of December, among whom are two wives of settlers residing in the Colony. The inclosed list is as correct a statement of the relationship they stand in to the persons residing at the Cape of Good Hope as I can obtain.

And allow me in reference to the latter part of your letter to assure his Lordship in behalf of myself and brother Colonists that no confusion would arise should His Majesty's Government be pleased to send five hundred persons of the present un-

employed labourers, and great disappointment will be felt should the prayer of your memorialist not succeed, not only by your petitioner but by those gentlemen who are expecting in them to find a number of servants to supply their present necessity. I am &c.

(Signed) WM. SHEPHERD.

[Enclosure in the above.]

Degree of Relationship of a Number of Persons wishing to proceed to the Cape of Good Hope to join their relatives.

Names of Persons wishing to Proceed.	Relatives' Names residing in the Colony.	Degree of Relationship.
John Paskins . . .	Daniel Roberts . . .	Brother-in-law.
Henry Yarrington . . .	William Shepherd . . .	Cousin.
George Furby . . .	Charles Croft . . .	Do.
Frances Cato . . .	James Howe . . .	Daughter.
William Parkin . . .	John Parkin . . .	Brother.
Elizabeth Crowley . . .	Humphrey Crowley . . .	Wife and family.
Ann Crowley . . .	Malachi Crowley . . .	Do.
Mary Ann Biggs . . .	John Biggs . . .	Daughters.
Harriet Biggs . . .		
Thomas Pankhurst . . .	John Pankhurst . . .	Brother.
Eleanor Kidwell . . .	Alexander Kidwell . . .	Sisters.
Elizabeth Osbourn . . .		
William Watson . . .	William Watson . . .	Son.
Mary Gatehouse . . .	George Gatehouse . . .	Wife and family.
Elizabeth Brown . . .	Do.	Sister.
Elizabeth Wood . . .	Charles Hymen . . .	Daughter.
John Lewis . . .	D. Lewis . . .	Son.
Thomas Dowlan . . .	Richard Pickstock . . .	Son-in-law.
Thomas Dobson . . .	Do.	Do.
Ann Leany . . .	James Leany . . .	Wife.
Ellen O'Donnell . . .	Patrick O'Donnell . . .	Nieces.
Jane O'Donnell . . .		
Sarah Grubb . . .	James Grubb . . .	Sister.
Sarah Slater . . .	Thomas Slater . . .	Daughter.
Mary Golden . . .	David Golden . . .	Wife and family.
John Steadman . . .	Do.	Brother-in-law.
Catharine Golden . . .	Do.	Sister.
Samuel Park . . .	James Eva . . .	Cousin.
Florence Macarty . . .	Dennis Holland . . .	Brother-in-law.
Benjamin Verity . . .	William Verity . . .	Son.
William Starling . . .	Richard Newton . . .	Nephew.
Kezia Starling . . .	Do.	Niece.
John Atkins . . .	Alexander Kidwell . . .	Brother-in-law.
William Pitt . . .	Robert Pitt . . .	Brother.
Crofts Mayer . . .	William Thackwray . . .	Brother-in-law.

Names of Persons wishing to Proceed.	Relatives' Names residing in the Colony.	Degree of Relationship.
Charles Wyatt . .	John Wyatt . .	Brother.
Eliza Barnes . .	James Harpur . .	Daughter.
Richard Humphries .	James Stanton . .	Cousin.
William Wells . .	Richard Atwell . .	Son-in-law.
Nathan Morris . .	Stephen Brown . .	Do.
Jane Adams . .	Henry Adams . .	Wife and family.
Samuel Webber . .	Thomas Young . .	Cousin.
Ann Mulligan . .	James Mandy . .	Sister.
Henry Cook . .	Do.	Brother-in-law.
Hannah Roe . .	Robert Roe . .	Wife and family.
Sarah Sayers . .	John Hannam . .	Sisters.
Jane Sayers . .		
Mary Marshall . .	Henry Marshall . .	Wife.
Robert Mitchener . .	Robert Pitt . .	Cousin.
James Adams . .	James Wills . .	Father-in-law.
John Macintosh . .	William Divine . .	Brother-in-law.
Sarah Burling . .	James Rathbone . .	Sister-in-law.
James Burling . .	Do.	Brother-in-law.
Sarah Dawson . .	John Austin . .	Sister-in-law.
Hugh Nieland . .	James Nieland . .	Brother.
Patrick Nieland . .	Do.	Son.

[Original.]

Letter from MR. SAMUEL WEBBER to EARL BATHURST.

84 EAST STREET, MANCHESTER SQUARE.

MY LORD,—Being desirous of settling at Graham's Town, Cape of Good Hope, with my wife and five children, I take the liberty of soliciting from your Lordship the favor of a passage out with the party of Settlers about going out, with the usual indulgences afforded to free Settlers.

Should your Lordship consider my thirteen years service in the navy entitle me to any claim to the above indulgence, I have enclosed my certificates for the last ten years service, &c. &c. &c.

(Signed) SAMUEL WEBBER.

[Copy.]

Hansard's Parliamentary Debates.

8 May 1826.

CONDUCT OF LORD CHARLES SOMERSET.

Colonel *Beaumont* said, he rose to present a petition from Mr. Bishop Burnett, complaining of the conduct of lord Charles Somerset. He regretted that the petition had not fallen into the hands of some one more competent than himself for such an undertaking ; but, as he was convinced of the justice of it, and as he had been promised able assistance whenever its merits should be examined into, he should not have felt himself justified if he had declined to present it. It was not either his own wish, or that of the petitioner, that this petition should afford an opportunity of throwing out or promulgating general invective against lord Charles Somerset. As lieutenant-colonel Bird, owing to his having been the secretary at the Cape, was well acquainted with the character and conduct of lord Charles Somerset, the petitioner desired that he should be examined at the bar of the House. The petitioner also complained, that the colonial secretary had refused to grant him permission to return to the Cape, for the purpose of enabling him to procure evidence, which would substantiate the charges he had to bring forward against the noble lord. The present charges were the same as those which the petitioner had brought before this House on the 16th of June last, and he himself had now felt it a matter of delicacy and difficulty, as to whether he should enter into a recapitulation of those charges or not ; but whether he was acting right or wrong, he had resolved not to do so ; which mode of proceeding would, he trusted, convince the House that his object was justice and not slander. He hoped the colonial secretary would not deny the desired permission to the petitioner, as the granting it would not imply anything as to the legality or illegality of the original banishment from that colony of the petitioner for five years, to which he had been sentenced for a libel ; which libel was nothing more than a memorial which he had presented to the governor of the colony, complaining of acts of injustice on the part of some

of the members of the government, and praying for redress. On a former occasion the honourable and learned member for Winchelsea had given it as his opinion, that even if the petitioner was guilty of the alleged libel, still the noble lord had acted in so unconstitutional a manner in banishing him, that he had thereby rendered himself liable to an impeachment. He would not, by any comments of his own, weaken the observation of that learned gentleman, but would content himself by simply stating the two objects of the petition ; the first of which was, that lieutenant-colonel Bird should be examined at the bar of the House,—and the second, that the petitioner should be permitted to return to the Cape, for the purpose of procuring evidence to substantiate the charges he intended to bring forward. In order to obtain justice, it was necessary to proceed temperately. He hoped, however, that the colonial secretary would give some pledge to the House that the petitioner should have the permission he requested, and that an early day would be appointed for examining lieutenant-colonel Bird at the bar of the House.

The petition was then read as follows :

“ To the Honourable the Commons of Great Britain and Ireland, in Parliament assembled.

“ The Petition of Bishop Burnett, of the Cape of Good Hope, gentleman, respectfully sheweth,

“ That your petitioner presented a petition to your honourable House during the last session of Parliament, inculcating the conduct of lord Charles Somerset, in his capacity of governor of the Cape of Good Hope, and setting forth sundry grievances sustained by your petitioner from the oppressive measures of his excellency, through the medium of the judicial authorities at the Cape.

“ That his majesty’s ministers having deprecated the institution of any proceedings thereon during the current session, on the plea of leave of absence having been granted to his excellency to repair to England, for the purpose of meeting the charges exhibited against him, and lord Edward Somerset having pledged himself for the prompt return of his noble relative to face his accusers in parliament, your petitioner presented a second petition, requesting of your honourable House to facili-

tate his return to the Cape of Good Hope, for the collection of evidence to substantiate his charges, from which settlement he had been illegally banished by the despotic and arbitrary measures of his excellency.

“That the under colonial Secretary of State having virtually promised the sanction of his department to your petitioner’s return, by pledging its accedence to his request, on the exhibition of a just pretext, your honourable House thought proper to decline acting on his petition; and your petitioner took measures for his immediate return to the colony, when to his astonishment this leave thus promised was peremptorily withheld by earl Bathurst—an act of injustice best illustrated to your honourable House by supposing the parallel case of a magistrate refusing to facilitate the conviction of a felon, by throwing impediments in the way of his prosecutor.

“That your petitioner, after encountering the systematic persecution set forth in his memorial to your honourable House, with the final sentence of banishment from the Cape, an act alone of arbitrary and unwarrantable authority, has found his complaints utterly disregarded by earl Bathurst, and himself taunted with imputations by the under colonial secretary, which have no other foundation than his own surmise, in his endeavour to screen lord Charles Somerset from the consequence of his misgovernment; a misgovernment your petitioner would now have been prepared to prove to your honourable House much beyond the extent of the charges exhibited, had earl Bathurst have granted your petitioner leave to return to the Cape, in fulfilment of Mr. Horton’s pledge to your honourable House.

“That as his majesty’s commissioners of inquiry at the Cape have, by an extraordinary course of proceeding, intimidated witnesses from giving in their testimony in the scrutiny of grave charges against his excellency the governor, your petitioner cannot perceive that the reference of the colonial department to the functions of those gentlemen furnishes any satisfactory hope of redress when their long-protracted report does arrive. Your petitioner therefore protests against any conclusions being drawn or any decision being formed in his case from an investigation necessarily partial and imperfect, in a colony where your petitioner has

no hesitation in declaring, no man dares disclose a truth in the slightest degree offensive to its governor, without entailing persecution.

“That your petitioner most respectfully begs leave to impress upon the consideration of your honourable House, that if acts of unjustifiable oppression committed by governors of colonies are to find support through the power of family influence from authorities delegated to control them, it becomes especially incumbent on your honourable House to extend its protection to those victims of oppression who are hardy enough to encounter the consequences inevitably incurred by opposition to the wishes of government, in denouncing the guilt of its favoured deputies; otherwise it must be apparent that the right of petition is unavailing—that the licence of uncontrolled authority has no limit; and that in its encroaching progression, not only the liberty and property, but the very life of the colonist subject may be sacrificed to a bad temperament in any tyrannic governor. Your petitioner therefore prays, that, your honourable House will take his case into consideration, and examine lieutenant-colonel Bird touching the premises previous to his return to the Cape of Good Hope.”

Mr. *Wilmot Horton* said, that as he had not seen the petition before it was presented, and as he had not been informed of the nature of the charges it contained, he was to a certain degree unprepared to answer the allegations of it. He was not, however, surprised to hear that the petitioner impugned the motives, and protested against the report, of the commissioners; for the petitioner could not help being aware, that that report must be unfavourable to himself. Had he been previously interrogated by any honourable member on the subject, he would have stated to the House then, what he felt it to be his duty to state now, that a voluminous report had been received by the colonial department from the commissioners, and was ready to be laid, at any moment, upon the table of the House. The House, if it would take the trouble of reading the evidence annexed to that report, would be qualified to decide, whether it ought to concur in the opinion of the commissioners, that the charges which the petitioner had preferred against lord Charles Somerset were grossly

exaggerated, and were not such as required the interference of that House. Even from the statement of the petitioner himself, it was evident that he inculpated lord Charles Somerset for what had been done by the judicial authorities of the colony. The commissioners had recommended that the Dutch law, which now prevailed there, should be assimilated to the British ; but, until that assimilation took place, it was the duty of the constituted authorities to act upon the Dutch and not upon the British law. With respect to the constitutional topics referred to by the honourable member for Northumberland, he would leave them unnoticed for the present, being convinced that the discussion of them might well be postponed to a future period. He contended, that the commissioners were fully competent, both from the respectability of their characters and from the opportunities which they had enjoyed for collecting information, to give a correct opinion upon the subject referred to their consideration. He likewise argued, that as the fullest information was contained in the report, on the subject of the charges made by the petitioner against lord Charles Somerset, it would be unnecessary to examine lieutenant-colonel Bird upon them ; who, as far as he could judge, had no connexion whatever with them. With regard to the application made by the petitioner to lord Bathurst to return to the Cape of Good Hope, he would only say, that if any gentleman chose to move for copies of the correspondence which had passed between the petitioner and the colonial government, he should willingly accede to the motion. He complained that the petitioner had been backward in bringing forward his charges in a substantive form against lord Charles Somerset, and that he had been particularly active in filling the newspapers with the most exaggerated descriptions of them. He called upon gentlemen to suspend their opinions with regard to those charges, until they had read the report of the commissioners. Though the case of the present petitioner could not dispose of the cases of other petitioners, still he thought that the perusal of the report would convince every unprejudiced man, that the statements of Mr. Bishop Burnett were gross and unfounded exaggerations. The House, he admitted, would not be bound by the opinion stated in that report ; but, if any gentlemen were dissatisfied with it, he

would be able to make his dissatisfaction with it the ground of a substantive report.

Mr. *Hume* said, that at an early period of the session, he had inquired if any report had been received from the commissioners sent to the Cape of Good Hope, and had been informed by the honourable Secretary, that none had been received. If, therefore, there was any delay in bringing this subject before the House, the blame rested either with the colonial Secretary or with the commissioners, and certainly not with the petitioner, who had last year brought forward substantive charges against lord Charles Somerset. The reason why those charges were not then taken into consideration was, that the House thought it right that lord Charles Somerset should return before it proceeded to investigate them. Why, he would ask, had lord Charles not returned to this country? Why, but because he seemed to wish to evade justice, and to frustrate inquiry? He had some time ago read to the House a letter which he had received from the Cape, in which it was explicitly stated to him, that he would not see lord Charles Somerset during the present session of Parliament. That prediction was now verified. And what did such conduct on the part of an accused man look like? Surely like an inclination on his part of not wishing to face his accusers. It was not fair in the honourable Secretary to say that the petitioner had been backward in bringing forward his charges. If there had been any delay on the part of the petitioner, which was not the case, it had been caused by his waiting for the arrival of the noble lord in England, in consequence of his conviction that the House would not enter upon an investigation of his charges in the absence of the noble lord. "But," asked the honourable Secretary, "had the House any complaint to urge against the conduct of those commissioners?" To that question he would answer, that he had a complaint to urge against them. They had been three years at the Cape of Good Hope, and as yet it was a secret to the House, what they had done, or whether they had done anything. He had, therefore, good grounds for doubting their activity in accomplishing the objects for which they were sent out from this country. As to the refusal of government to let the petitioner return to the Cape, he considered it to be a very harsh and unjust proceeding. The petitioner had been

sent off from the Cape at a moment's notice, without the possibility of making any arrangement for obtaining a redress of grievances ; and the refusal of government to allow him to return to the Cape, had the appearance of an unwillingness, on the part of the Colonial Department, to allow him to collect the evidence necessary to substantiate his accusations. The petitioner would have been called upon by this time, had the noble lord been in England, to enter upon his accusation, and that without having had any facilities extended to him for obtaining the presence of his witnesses. He had been treated with a degree of harshness by the government, which it ought not to have displayed, if it valued either the interest of the colony, or the interest and character of the noble lord who was accused of maladministration in that colony. Indeed if the witnesses were not fairly brought forward on behalf of the accusation, the acquittal, should an acquittal befall lord Charles Somerset, would be deprived of more than half its value. He contended, that the House had great reason to complain of lord Charles Somerset's delaying to return to England. The complaint exhibited against him by Mr. Bishop Burnett did not form a tenth part of the complaints which he would be called upon to answer. His delay was, therefore, evidently designed to evade inquiry, in the hopes of ruining the individuals in the interim, who had to support the expense of instituting it. He contended, that the government ought not to allow lieutenant-colonel Bird, who was acquainted with all the details of lord Charles Somerset's conduct, to leave the country, without taking means to bring him back when wanted. His evidence was most essential, either to inculcate or exculpate the governor of the colony, and he trusted that, in justice, not merely to the colony and to the petitioner, but also to its accused governor, means would be taken to detain him in this country.

Colonel *Davies* wished to know why this report had been kept back by the government to such a late period of the session, that it would be impossible to get it printed before the close of it.

Mr. *Wilmot Horton* said, he had not presented it, because he thought that the House would not enter into a discussion of it until the return of lord Charles Somerset. If any gentleman

had asked him a question on the subject, he should have given him, without any reserve, the same information which he had that evening afforded to the House.

Mr. *Fyshe Palmer* recollected, that on the occasion when this subject was before the House last session, it was said, that as soon as lord Charles Somerset could receive leave to return, he would avail himself of that leave, and would hurry home to meet the charges of his accusers. Twelve months had elapsed since that leave had been granted to him, and yet lord Charles was not in England. He could not pretend to say what was contained in a report which he had not seen, but he could not forget that, besides the accusation of Mr. Bishop Burnett, there were several other accusations, much more grievous, brought forward against him. The course which government had taken with regard to the present petitioner, appeared to him to be directly adverse to the interest of the colony, and what was much more material, to the interests of justice. He thought that lieutenant-colonel Bird ought not to be permitted to leave the country at a moment when he might be called upon to give evidence, inculpatory or exculpatory of lord Charles Somerset.

Lord *E. Somerset* said, that as the petitioner alluded to a pledge given by a relation of lord Charles Somerset in the last session, that he would promptly return to face his accusers in parliament on receiving leave of absence from the government at home, and as the honourable members for Montrose and Reading had both said, that the fact of his noble relative's not being now in England was proof that he wished to evade the fulfilment of that pledge, he rose for the purpose of contradicting the assertion. He rose for the purpose of declaring most unequivocally, that his noble relative had been most anxious to leave the Cape of Good Hope, on first hearing of the charges made against him; but that he had been ordered by the government at home—and he spoke in the presence of those who could confirm his assertion—not to leave it, until the arrival of the lieutenant-governor. The lieutenant-governor did not arrive till the 9th of February last, and his noble relative had sailed from the Cape of Good Hope as soon afterwards as he possibly could. No one could feel greater regret than his noble relative did, in not having been able to face his accusers

in the present session. He still was in hopes that his noble relative would arrive before parliament separated, as letters had arrived in England, stating that he had left St. Helena. Indeed, had it not been for the continual succession of north winds for some time past, it was most probable that he would before this time have been in England. Though he repeated, that his noble relative was most anxious to face his accusers, it was not for him to say whether lieutenant-colonel Bird would be detained in this country or not. He could only say, that his noble relative had afforded to the commissioners every facility in obtaining the information they were sent out to acquire. That information would, he trusted, soon be printed, and all his relation wished was, to have it placed as soon as possible before the public. When it was before the public, it would be seen that all the charges made against him were gross exaggerations ; and his character would then be justified from the unfair, the unjustifiable, and, he would add, the dishonourable, attacks, which had so frequently been made upon it. He could have wished that the honourable member for Aberdeen, in his desire to procure justice, had looked to both sides of this case. He could have wished that he had adverted to the fact, that the law established at the Cape of Good Hope was the Dutch law, and not the English law. Honourable gentlemen would naturally prefer the English law to the Dutch law ; but they would recollect, that the governor of a colony must not govern it on the laws which he could wish, but on the laws which he found established in it. In conclusion, he repeated that no individual could be more anxious than his noble relation for the institution of an inquiry into the whole of his official acts as governor of the Cape of Good Hope.

Sir *F. Burdett* said, that every man must admire the feeling with which the noble lord had defended the conduct and character of his noble relation. Upon that conduct and upon that character he should not make any remark at present, as it would not be proper for him to venture any opinion upon charges of which he knew almost nothing. He would, however, give his opinion upon the propriety of taking the evidence of lieutenant-colonel Bird, before he set sail again for the Cape of Good Hope. That was a point of so much importance, that he trusted ministers would, for their own sake, for the sake of the

noble lord now under accusation, and still more for the sake of the petitioner, not deprive him of the means of securing that evidence which he described as most important to the prosecution of his claim for redress.

Mr. *Wilmot Horton* said, he did not know how colonel Bird was in any respect connected with the charges brought against lord Charles Somerset. Those charges were of a nature of which colonel Bird could know nothing, as would be seen, whenever the report appendix was printed. If any subject could be pointed out on which colonel Bird could afford to the House any information which the petitioner might deem favourable to his cause, he would have no objection to grant his request ; but at present he did not know how any gentleman could put a question to colonel Bird, if he was at the bar, relative to the complaints made by the petitioner. Surely the petitioner must state something specific before his prayer could be acceded to.

Sir *F. Burdett* said, the petitioner stated that he conceived colonel Bird to be a material witness on his side.

Mr. *Brougham* said, it would be unjust to the colony, to lord Charles Somerset, and to the petitioner, if colonel Bird were not examined as to his knowledge of the facts of this case.

The *Chancellor of the Exchequer* said, it was easy for gentlemen to talk of detaining colonel Bird, to examine him upon these points ; but the fact was, that government had no power to detain him. He was going on his own private business to the Cape of Good Hope, and not on that of the government. What right, therefore, could government have to say that he should not quit the country ?

The *Speaker*, who had been reading the petition, here interrupted the discussion. He said, that in all cases where a double construction could be put upon the wording of a petition, the House put upon it such construction as was most favourable to the petitioner. There were, however, some cases, in which only one construction could be put upon it, and that construction was fatal to the petition. He believed that there were in the present petition, words which rendered it imperative upon the House to reject it. [Here the Speaker read the second and third clauses of the petition, in which reference is made to declarations of lord E. Somerset and Mr. Wilmot Horton in

the House of Commons.] He thought that such reference, according to the usual rules of the House, made it imperative on them not to receive the petition.

Mr. *Canning* declared his unwillingness to reject a petition of this nature, on the mere ground of an informality of this description.

Mr. *Beaumont* expressed his readiness to withdraw the petition, inasmuch as it did not contain any specific charges, and he had, in some degree, obtained his object.

The petition was withdrawn.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to JOHN BARROW, ESQRE.

DOWNING STREET, 9 May 1826.

SIR,—Having laid before the Earl Bathurst your letter of the 2nd instant, I am directed to acquaint you in reply, for the information of the Lords Commissioners of the Admiralty, that in recommending that instructions should be given to the Naval Officer in command on the Cape Station to afford every facility for the conveyance of His Majesty's Commissioners of Enquiry from the Cape of Good Hope to Mauritius, his Lordship was not induced by the idea that the former orders on the same subject had been misunderstood; but his Lordship conceived that after such a lapse of time it might be expedient that the instructions should be repeated, the more especially as difficulties might arise to the fulfilment of them, from the probable employment of one of His Majesty's Ships in bringing home the Governor of the Cape of Good Hope. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from J. C. HERRIES, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, 9th May 1826.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 11th of January last submitting for their Lordships' consideration copies of Dis-

patches received from the Governor of the Cape of Good Hope reporting his having incurred an expence of £559 3s. 10d. in the erection of a Charity School in Cape Town for the education of Slave Children, and submitting an estimate of the expence which would attend the erection of similar Establishments in the Country Districts ; I am commanded by their Lordships to acquaint you for the information of Lord Bathurst that, upon such view as my Lords are now enabled to take upon the subject and without further communication with his Lordship, they are not prepared to encourage the expectation that they would consent to recommend to Parliament a Grant of Public money out of the Revenues of this Country in aid of the Expenditure proposed to be incurred for Establishments of this description. I am, etc.

(Signed) J. C. HERRIES.

[Original.]

Letter from MR. H. F. HÖHNE to EARL BATHURST.

LONDON, 11th May 1826.

MY LORD,—I have the honour to report my arrival at this place from the Cape of Good Hope per the Brig *Canada*, which sailed from thence on the 7th February last, and to enclose a Certificate from His Excellency Lord Charles Henry Somerset granting me leave of absence to proceed to Europe on my private affairs.

As the leave of absence allowed me by His Excellency will not give me sufficient time to settle my private affairs, and more than three months of the same having already expired, I humbly beg leave to request your Lordship may be graciously pleased to extend the same four or five months longer.

I beg your Lordship will excuse my applying for an extension of leave prior to my present grant having expired, but as my affairs will oblige me to go far into the interior of Germany, it will not be in my power to apply for it at the regular time.

I have &c.

(Signed) H. F. HÖHNE,
2nd Clerk Audit Office,
Cape of Good Hope.

[Copy.]

*Letter from J. C. HERRIES, ESQRE., to R. WILMOT
HORTON, ESQRE.*

TREASURY CHAMBERS, 13th May 1826.

SIR,—The Lords Commissioners of His Majesty's Treasury having had under their consideration the Petition of the freeholders and inhabitants of Cape Town, which accompanied your letter of the 1st February 1826, and also several other papers transmitted to their Lordships by the direction of Earl Bathurst, or addressed to them by parties having an interest in the rate at which the paper rixdollar has been made exchangeable at the Cape of Good Hope for British metallic money by His Majesty's Order in Council of the 23rd March, 1825 ; I am commanded to convey to you, for the information of Earl Bathurst, the observations and opinion of their Lordships thereupon.

Among these papers, My Lords have more particularly noticed those which relate to the proceedings of the Government of the Cape, on the receipt of the Order in Council ; the Report of the Commissioners of Inquiry on the subject of that Order ; the application of certain merchants connected with the Cape ; and the Petition of the freeholders and others, to which I have before referred ; together with a paper, containing a more full representation on their behalf, of the grounds of their complaint.

Before My Lords advert more particularly to the reasons for which they must refuse to admit the validity of the objections urged by any of the parties who remonstrate against the measure adopted by this Board, they think it right to recall the attention of Earl Bathurst to the principle on which that measure was founded, and the object it was intended to accomplish :

It was part of a general measure for reforming the currency of all the colonies, by the gradual introduction of British silver money, as the basis and standard of the circulation in all of them.

As a preliminary step to this operation, it was necessary to fix the rates at which the various existing currencies, both

metallic and paper, in the several colonies, should be exchanged for the coin to be introduced.

The currency of the Cape of Good Hope consisted chiefly of colonial rixdollars, a paper not convertible into coin at the will of the holder, and not subject to any special obligation of payment or redemption; the valuation of which in British money is the subject of the representations now under consideration.

The object of the British government was to make these paper rixdollars convertible into the silver money to be introduced into the circulation of the Cape, at the fair current value of the paper, and at no other.

It was not the purpose or intention of the Treasury to pay off this colonial paper money as a debt due by Great Britain to the colony. There existed no just claim upon Great Britain for such a payment. The debt represented by the paper was purely colonial, contracted and expended for colonial purposes, and therefore not a charge upon the public funds of this country.

But for the sake of remedying the inconveniences occasioned to the colony by the fluctuating value and increasing depreciation of this paper currency, the Treasury thought it right that the mother country should make the sacrifice of providing such a quantity of metallic money as might be necessary to create a solid and fixed circulation at the Cape, by supplying the place of this paper money to such extent as should be sufficient to give a fixed and permanent value to the remainder.

It was in the highest degree important for the real interests of the whole colony that this operation should be effected so as to create, if practicable, no change whatever in the real value of the existing circulation, and thereby to occasion the least possible disturbance in the current transactions between buyer and seller, debtor and creditor.

It will be evident that in undertaking this measure for the benefit of the colony, the government at home was making a considerable sacrifice, and had no interest of its own in view; while on the other hand it appears to My Lords, from the accounts which have been before them, that the government of the colony was so circumstanced with respect to the paper money, that if any advantage had been sought for it, in fixing the rate of convertibility for the paper, it would rather have

been found in raising than in lowering it ; because the sums due to that government, in the paper currency, through the Lombard Bank, constituted the larger proportion of the whole amount in circulation ; and because it would, besides, have profited by the increased value of all the taxes payable at fixed rates in rixdollars by the colonists, upon whom such an augmentation of their burthens would have fallen heavily.

But the peculiar interests of the Colonial government in these respects formed no part of the considerations on which the measure was adopted ; the only object kept uniformly in view when the Treasury came to their determination, was that of assuming the real average value of the rixdollar, as nearly as it could be ascertained, and fixing its price accordingly in the silver money of Great Britain.

Having thus recalled the attention of Earl Bathurst to the principle and object of the measure, I am to advert to the two different grounds on which it has been objected to.

First,—It is contended by those who do not dispute the principle or policy of the measure, that the rate fixed upon has not been correctly assumed. These parties state, that the rix-dollar should have been valued at 2*s.* instead of 1*s.* 6*d.*

Secondly,—It is maintained by others, and these appear to be principally landed proprietors and capitalists, that no other rate than 4*s.* of British money, equivalent to a metallic rix-dollar of Holland (the nominal value of this paper currency) ought to have been fixed for the exchange of the paper rixdollar.

The former of these objections My Lords do not find to be supported by any reference to facts or documents of sufficient weight to counterbalance the grounds upon which the judgment of their Lordships was founded. They adopted, as the best criterion to which they could refer, the average rates at which bills upon England had been negotiated in rixdollars, in the last three years, in fixing the value of the colonial paper ; and they find the valuation assumed upon that ground fully confirmed by the Commissioners of Inquiry at the Cape, who give, as the result of their researches on the subject, the same average, even for a more extended period, viz. that of five years instead of three.

Against these grounds of decision there is little or nothing offered but a loose and general opinion on the part of those

who have made representations upon this view of the subject, that the rate of 2*s.* for the rixdollar would have been more generally satisfactory than that of 1*s.* 6*d.*

If My Lords have correctly stated the principle upon which their decision was founded, it must be apparent that they could not, consistently with that principle, have been led by any views of expediency, or of conciliating any class of the holders of this paper, to fix any other than the just and true current value of the rixdollar, as nearly as it could be ascertained on the average of the last few years, during which it had been subject to no material fluctuation. They have before them no sufficient grounds for adopting any other rate than that which they did fix, after a review of the documents in their own office; and which is so amply confirmed by the inquiries of the Commissioners on the spot.

They have endeavoured, in this arrangement, to hold the balance even between debtor and creditor. If they had fixed a higher rate, the remonstrances of those who had obligations to discharge would probably have been more loud than are now the representations of the parties who have monies to receive; and apparently with much more of justice on their side.

Upon the second head, viz. the claims of those who maintain the right of receiving 4*s.* for the paper rixdollar, My Lords need hardly do more than refer to what they have already stated with respect to the object and principle of the measure which is complained of.

My Lords will not undertake to pronounce an opinion as to the legal right or equitable title of any individuals or class of persons, being holders of colonial paper or of obligations payable in Cape currency, to have such obligations discharged or such currency converted into coin at the rate of 4*s.* for the rixdollar. They conceive that such right or title must depend upon the nature of the special engagements, where any such exist between the parties and the government, or between one individual and another. But they are clearly of opinion, that no general claim of the kind can be maintained, or ought to be entertained, as against this country; while, on the other hand, it appears to them that the steps taken by His Majesty's government at home for the introduction of a sound and

permanent system of circulation at the Cape, do not necessarily preclude or prejudice any such peculiar titles as have been alluded to, if they really exist ; more especially as the provisional measure judiciously adopted by the government of the Cape (whereby all parties dissatisfied with the payment of 1s. 6d. for a rixdollar, under the Order in Council, are enabled to exchange the money so paid for colonial paper at the same rate) will afford the opportunity to all such parties of retaining the means of prosecuting their particular claims, notwithstanding the general introduction of the new regulations.

My Lords must however observe, that if upon any grounds not now known to them, it should be deemed that any holders of the paper currency have a just right to be paid by the colonial government at the rate of 4s. or at any other rate higher than the present actual value of the rixdollar, it must rest entirely with the colony to find the means of making the payment ; and it appears to their Lordships that the parties who petition under this head, the freeholders and proprietors, are probably those upon whom the burthen of any taxes which it might be necessary to impose for such a purpose, would principally fall.

But, whatever may be the judgment and determination of Earl Bathurst with respect to the mode in which the special title or claims of any of the colonists in these particulars may best be prosecuted and secured to them, My Lords trust that upon a view of the injustice to individuals, and of the obvious inconvenience and possible distress which might arise to the colony, from any attempt to effect the introduction of British silver coin in lieu of the paper currency now in circulation, upon any other principle than that which has been adopted by this Board, Earl Bathurst will concur with them as to the expediency of maintaining the measure upon its present footing, and giving no encouragement to the parties interested in the applications now before him, to expect any alteration in the rate at which the rixdollar has been made convertible into coin in the execution of that measure. I am &c.

(Signed) J. C. HERRIES.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JAMES THOMAS ERITH.

DOWNING STREET, 13th May 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your Memorial of the 2nd instant in which you bring under his Lordship's consideration various grievances which you allege to have sustained through the Acts of the Local Authorities of the District of Albany at the Cape of Good Hope.

These grievances appear to arise first: Out of the order conveyed to you by Captain Trappes to remove from the location which had been previously assigned to you by Captain Somerset; 2nd, Out of the attempts made by the Landdrost to abstract your articulated Servants. 3rd, Out of the destruction of a house which you had built within the limits assigned to you by the Provisional Magistrate. 4th, Out of the refusal of the Governor to grant his sanction to an action which you proposed to bring against the Landdrost. 5th, Out of the disallowance of your Claims upon the Commissariat.

As you have stated that you are ready to produce documents in support of your assertions, his Lordship is desirous of receiving from you any papers which may serve to explain your complaints respecting your compulsory removal from the land assigned to you by Captain Somerset and the attempts made by the Landdrost to abstract your Servants. But with respect to the destruction of your house, and your claims on the Commissariat, I am to acquaint you that his Lordship is in possession of authentic information from which it appears that the house was only destroyed after the repeated warnings which were conveyed to you not to build upon the land of another person, and that it had been decidedly shewn previously to your departure from the Colony that you had no claim whatever on the Commissariat.

As the Governor of the Cape may be immediately expected in England, his Lordship will defer until his arrival the consideration of the remaining subject of complaint which more immediately relates to him. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. JOHN FOURNIER to R. W. HAY, ESQRE.

NO. 4 EBURY STREET, CHELSEA, 13th May 1826.

SIR,—With reference to your communication of the 29th of April last in answer to a Memorial submitted by me to the Right Honorable Earl Bathurst, soliciting compensation for losses sustained while a settler in Africa during five years, wherein you were pleased to inform me that as yet no report had been received from His Majesty's Commissioners of Inquiry touching the allegations contained in my Memorial, permit me to remind you that previous to my quitting the Cape I handed to the Commissioners a detailed statement of the whole circumstance, for them to corroborate and send home, which they led me to believe that they would do. It is therefore with infinite surprise and disappointment that I now learn that such has not been done, as it is now 18 months since this application was made and that the report of the Commissioners has been officially acknowledged to have been received, in which I of course flattered myself that my statement would have been included, more especially as it had for a considerable time been investigated on the spot, and so far confirmed amongst other particulars to Commissioners Messrs. Hayward and Marsh that I was ruined and actually compelled to abandon the land I was rightly entitled to, in consequence of a Merchant by the name of Shaw being allowed for such a length of time to occupy the very heart of it, and this Mr. Shaw was enabled to do, as he himself openly and publicly boasted, by aid of the patronage which he enjoyed of Colonel Bird.

And I must beg leave to state that the two decisions which had been given in my favor, that my opponents should remove, instead of benefiting they actually injured me, as that alone induced me to persevere to the ruinous extent that I did, which otherwise I should not have done, whereby I should have saved not only much of that time which was fruitlessly lost, but also most probably have avoided the ruin which it reduced me to, by timely abandoning the place, which I certainly should have done, as I repeatedly declared both to His Excellency the Governor and the Landdrost Harry Rivers Esqre., at the same time praying that “ Mr. Shaw should be compelled to sanction

the division of the land and that I might be put in possession of that only which was justly my own."

This, tho' the sole object of my repeated Petitions, was in silence denied me, notwithstanding (as the copies of the said documents which accompanied my Memorial to His Lordship shew) I had explicitly declared that the delay in putting into effect the previous decrees, rendered nugatory by this Merchant's presumed influence, was gradually involving me in that certain ruin which ensued, a fact that can be well attested by respectable persons who are now in this Country.

I do assure you, Sir, that my sole inducement to emigrate to the Cape was the firm belief I entertained that Government would have confirmed a legal claim to the land allotted to me after a residence thereon of three years, agreeably to the tenor of His Lordship's Circular of 1819, which was so far from being the case that even after a residence of five years I could never maintain a proper right to one acre.

This naturally subjected me to such aggravated and injurious proceedings, as stated to His Lordship on the 15th of February last, as finally reduced me to absolute beggary, with nothing to look forward to but the compensation which I have petitioned for from the Justice, Equity, and Benevolence of His Majesty's Government.

I now most humbly and earnestly pray that you will be pleased to take into your Consideration the abjectness of my present situation and my anxiety of being enabled to do something for myself, and humanely remove the painful suspense I have been now suffering under for more than six years, either by granting my Petition or otherwise giving me the means of substantiating my complaint as it has been stated to his Lordship, so that I may not be denied the object of my Petition in consequence only that His Majesty's Commissioners of Inquiry have omitted to include the corroboration of my Statement amongst the reports which they have sent home ; because they certainly led me to believe that they would do it. And the effect of their not having done so cannot be remedied by me if the means of proving my case be denied me.

And your Petitioner as in duty bound will ever pray, &c., &c.

(Signed) JOHN FOURNIER.

[Original.]

*Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.*No. 2 BURDON PLACE, PECKHAM,
SURREY, May 15th 1826.

SIR,—I hope you will pardon the liberty in my again intruding on your time ; but no reply having arrived from the Right Honorable Earl Bathurst to my Memorial of the 3rd Instant, I am fearful it has thro' the Multiplicity of Business escaped His Lordship's recollection. I shall feel particularly obliged if Mr. Hay will do me the Honor to remind His Lordship of it, as my Family's situation is a serious Calamity, and of course severely felt by every Individual belonging thereto.

I have &c.

(Signed) JAMES THOMAS ERITH.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
on MR. JOHN FOURNIER'S CASE.*

CAPE TOWN, CAPE OF GOOD HOPE, 16th May 1826.

MY LORD,—In obedience to the directions with which Your Lordship honored us on the 10th October last, desiring us to report upon the case of Mr. Fournier, we have now the honor to lay before you the result of our inquiries thereon, and in proceeding to do so, we think we shall best bring to view the merits of Mr. Fournier's complaint, which is one of delay on the part of the Local Authorities of Albany, by submitting to your consideration the various steps of the proceedings in the order of their taking place.

Mr. Fournier came out to this Colony as a Settler in a Party of five, headed by Mr. Morton, in the year 1820. On the arrival of the Party in the District of Albany, a portion of land (at Grobblers's Kloof) was assigned to them. This they afterwards in consequence of dissensions, resolved to divide into five allotments of 500 Acres each. These Locations were

not measured with precision, but were paced by Mr. Morton, and distributed by lot amongst him and his fellow Settlers. The Lot No. 4, through which flows a copious Stream, fell to the share of Mr. Fournier, and that adjoining it to Mr. Morton himself. Some time after the Party had taken possession of their Subdivisions, Mr. Morton (whether inadvertently or otherwise does not appear) made considerable encroachment on the Land which Mr. Fournier held to be included in his Lot, and even began to erect a House on it. After some dispute between the Parties on the subject of this alleged invasion of Mr. Fournier's property, Mr. Morton abandoned the part he had thus temporarily occupied, but there is no proof of Mr. Morton's having retired in obedience (as the former states) to a formal decision of the Board of Landdrost and Heemraden, for if such a case ever were brought before that Court, there is no trace of it now to be found in its Records, although it is likely that an extrajudicial inquiry and settlement by some Members of the Board did really take place, and terminate in Mr. Fournier's favour.

On the 20th April 1822, Mr. Morton, by a Minute of Sale, disposed of his Lot to Mr. Shaw who soon afterwards took possession of the piece of Ground which had been the subject of difference between his Predecessor and Mr. Fournier. On complaint of the latter, the Landdrost (Mr. Rivers) appointed three Arbitrators to settle the dispute, both parties engaging to abide by their award. On the 14th June 1822, these Gentlemen gave in a Report, stating their inability to come to any decision from want of a Diagram of the land. At the same time it is worthy of remark that they had the assistance of the District Land Surveyor on an adjacent spot, and actually determined the general limits of certain Locations without a plan being submitted to their inspection, and from their knowledge of the number and intended extent of the several Subdivisions of the land assigned to Morton's party, there could have been little difficulty in ascertaining the respective portions. The Committee also assert that no sort of measurement however rough had ever been made of the Locations of Morton's party, but on what evidence they founded this negative is not stated.

Of the defective character of the above Report, Mr. Rivers took no notice, either by ordering the Arbitrators to reëxamine

the place, or by causing the Surveyor to supply the want of a Plan. But on the 17th June 1822, the Landdrost's Clerk wrote to Mr. Fournier, announcing Mr. Rivers' intention (which however was not fulfilled) of sending a person to inspect the Water on Mr. Shaw's Lot, as an alleged deficiency of it was the ostensible reason for the anxiety of that Individual to retain the well-watered ground claimed by Mr. Fournier.

On the 20th June 1822 Mr. Fournier wrote to Mr. Rivers informing him that Mr. Shaw had plenty of Water on his own property, and stating that the Settler who had obtained the Lot No. 3 had been obliged entirely to quit it from its total want of Water, assuring Mr. Rivers at the same time that he (Mr. Fournier) could not undertake the risk of improving his land until some decision was obtained upon the title to it, and for which he says he had made repeated applications.

On the 17th July 1822, five of Mr. Fournier's neighbours joined him in signing a Certificate of their opinion that the Lot of Mr. Shaw had more water than sufficient for all the Cattle his land could support. On the 25th July 1822 Mr. Fournier renewed his address to the Landdrost and informed him of the readiness of the whole party except Shaw to have a regular division of the land effected, and on the 26th September 1822 he memorialized the Governor on the like points, and enclosed a copy of the last-mentioned letter. On the 18th January 1823 he sent a second Memorial to the Governor, praying for a division of the Locations, and in September 1823 again applied by letter to the Landdrost with the same view.

Matters however remained unsettled till 4th March 1824 when Mr. Fournier was tried and fined by the Court of Landdrost and Heemraden for an assault on Mr. Shaw, and on the same day, the latter being tried for an assault on the former, and trespass on his property, was fined for committing a nuisance in using for washing and similar purposes the Stream of Water which supplied the family of Mr. Fournier, the question of trespass being reserved till after measurement of the Lots. The assault on Shaw having originated in an attempt of Fournier to prevent his doing what the Court found to be a punishable nuisance.

On the 6th March 1824 Mr. Fournier addressed us, praying for a division of the general Location. During all this time

Mr. Shaw does not seem to have taken any other steps to maintain his alleged right, than sending a Memorial to the Governor on the 16th July 1822, wherein he asserted the utter want of Water on his Lot, and that the Stream in Lot 4 was just within the boundary of his Neighbour's property, but indispensably necessary to the occupation of his own Farm, and at the same time declaring his willingness to compensate for the Water taken from Mr. Fournier by giving him Land from Lot 5, and on the 8th March 1824 he transmitted to us a Memorial repeating the allegation of the want of Water on his land.

Mr. Hayward having been appointed Commissioner for determining the claims of the Settlers, proceeded on the 24th July and 27th August 1824 to survey the Locations of Messrs. Fournier and Shaw, when he decided that the plot of ground claimed by the latter was "in the very heart" of the former's allotment. This decree however did not directly benefit Mr. Fournier, as he had parted with his Farm about a month earlier, under the pressure, as he affirms, of debts arising from his protracted contest with Messrs. Morton and Shaw.

From further observations on this case, with which Mr. Hayward has lately favored us, we learn that from the evidence he took on the spot, he had no difficulty in coming to a decision in Mr. Fournier's favor; and although in forming a judgement he had the aid of a Diagram, he is satisfied that he might have dispensed with it altogether; and he assures us that it was proved to his entire conviction, that such a measurement by pacing actually had been made, as alleged by Mr. Fournier.

Under all the above circumstances leading to the inference that Mr. Fournier had met with a disregard of, or indifference to his just claim, amounting to a denial of justice, we felt ourselves called upon to apply to Mr. Rivers for an explanation of his apparent neglect, and we have the honor to subjoin his several communications in reply. In them Your Lordship will find that Mr. Rivers confined himself to a general denial of any undue bias against Mr. Fournier, or favor towards his opponent, but he has not stated any reason which might have prevented him from acceding to the just request so often repeated by Mr. Fournier to have the general Location formally

subdivided ; while it is quite impossible that he should not have known the facility with which the point at issue could have been set at rest, especially seeing he had visited the place himself before appointing the three Arbitrators, whose report should have led him to order the measurement which those Gentlemen might have made, and which Mr. Hayward found so simple.

Mr. Rivers' excuse that he had repeatedly in vain urged the Surveyor to perform that duty, can certainly not be regarded as of any avail ; and the nomination of the second Commission mentioned by him and Mr. Cloete, for ascertaining the boundaries of the Locations, was not made till within so short a period of Mr. Hayward's arrival, that the Members never proceeded to an investigation, but left it for that Gentleman to conduct.

Mr. Fournier complains that his two Memorials to the Governor were unanswered by His Excellency ; but we find that both Papers were referred by Lord Charles Somerset to the Landdrost of Albany, who yet took no notice of them in any way.

On a review of the whole circumstances of this case, we must submit to Your Lordship that while we see no ground for a charge against Mr. Rivers of partiality towards Mr. Shaw ; nevertheless he has been guilty of great and unwarrantable delay in the decision of a question that involved no difficulty, but the postponement of which has led to a series of vexatious litigation, and finally disabled Mr. Fournier from reaping the fruits of that tardy justice by which his claims have been established. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE,
W. BLAIR.

(Many of the annexures to this report have already appeared. The remainder do not seem of sufficient importance to require their being copied and printed.—G. M. T.)

[Original.]

Letter from LIEUTENANT COLONEL BIRD *to* R. WILMOT
HORTON, ESQRE.

Lieutenant Colonel Bird presents his Compliments to Mr. Wilmot Horton and takes the liberty of transmitting to Mr. Horton a Copy of a Petition which Mr. A. Baring will do him the Honour to present for him to the House of Commons on the subject of the alteration of the value of the Currency at the Cape of Good Hope effected by the Order in Council promulgated at the Cape in June last.

17 CHARLES STREET, MANCHESTER SQUARE,
16th May 1826.

[Enclosure in the above.]

To the Honorable the Knights Citizens and Burgesses in
Parliament assembled.

The Petition of Christopher Bird on behalf of himself and many other Inhabitants of the Colony of the Cape of Good Hope Humbly Sheweth

That the Dutch Colony of the Cape of Good Hope Surrendered by Capitulation to His Majesty's Arms for the second time in January 1806.

That at the period of the Capitulation there was a Government Paper Currency in Circulation amounting to about Rixdollars 2,000,000.

That an Article of the Capitulation (the 9th) Guaranteed to the Inhabitants the Continuance of this Circulating medium as heretofore, and

That another Article of the Capitulation (the 10th) pledged all the Government Houses and Lands as Security for the Paper currency which circulated on the faith of Government, which Article has been set entirely at nought.

That the Terms of Capitulation were approved by His Majesty.

That Colonial Accounts are kept in Rixdollars and Guilders, and the subdivision of each into Styvers or Pennies.

That Forty-eight full-weighted Pennies of Holland or Three Guilders of 16 such Pennies each (called Guilders of Indian valuation) made one Rixdollar.

That the Paper Money was issued originally in exchange for Coin which the Colonial Government borrowed of the Inhabitants and pledged itself to Redeem at the Rates at which it had taken from them the Coin.

That it was imperative upon the Inhabitants to receive the Paper Currency in all Internal Transactions at 48 Styvers to the Rixdollar.

That a Tariff of the Rates at which the Coin of different Nations should pass or be exchanged for Paper Currency was officially promulgated.

That the English Guinea is estimated in that Tariff at $4\frac{3}{4}$ Rixdollars.

That similar Tariffs were issued by the British Administration in 1800 and 1806. The English Shilling is therein declared to be a "legal Tender" for 12 Dutch Styvers.

That the British Colonial Government with the Sanction of the Government at Home added to the mediums circulating at the Cape at the period of the Capitulation to the amount of about 1,000,000 Rixdollars on its own Guarantee and under repeated promises to uphold the Value and to Redeem the Issues, the last of which is contained in the Proclamation dated June 1822.

That as it is above stated all Colonial Accounts are kept in Rixdollars or Guilders, all Colonial Money Transactions are so kept.

That the Colonial Government has repeatedly Officially recognized Five Rixdollars to be the Equivalent of the Pound Sterling.

That the Cape of Good Hope not being a Commercial Country and there being no Public Securities, the Wealth of its Capitalists consists in Mortgages and Bonds all purporting to be in Rixdollars at 48 full-weighted Pennies of Holland or in Guilders of Indian Valuation that is of 16 such Pennies each.

That the Value of the Landed Property and Agricultural Stock of the Inhabitants taken from Official Documents shortly after the Capitulation amounted to 61,000,000 of Rixdollars.

That the Value of the Mortgages Registered in the Govern-

ment Secretariat amounted in 1823 to the sum of 30,000,000 Rixdollars.

That these Mortgages (for the greater part) existed at the Capture, those which may bear a more recent date being nevertheless the amount of the same Capitals handed over to new purchasers according to Colonial Custom, and consequently they were Mortgages which were entered into when the Currency was not depreciated from the causes which may have since been considered to have affected the Circulating Currency.

That the Cape of Good Hope is not a Commercial Colony, having very few Articles of Export and those few not being of a very valuable description, but that a great quantity of British Merchandize has been Imported into the Colony.

That Return for these Importations has been difficult to procure, and that this Circumstance (among others) has caused Commissariat Bills on the British Treasury to sell by Public Competition at very high Rates.

That Bills however had fallen considerably and it was confidently expected that the Rixdollar was about to regain its Equilibrium in Exchange.

That it was only with England where a great Mercantile Debt was due that the Exchange was so unfavourable to the Colony. With Holland it was more advantageous. With India the Rixdollar almost retained its Value in Exchange.

That the Amount of Commissariat Bills negotiated in England had been inconsiderable for some years, not exceeding £120,000 per annum, consequently no fair Criterion of the Value of the Rixdollar in Exchange is deducible from Transactions so unimportant.

That had the Colonial Government Redeemed its pledges by taking out of Circulation the Sums it had issued for its necessities or by giving up the Lands pledged for the Redemption of its Debt the Value of the Rixdollar even in Exchange for Commissariat Bills it may be confidently asserted would have been that at which it was originally issued. That moreover the Remitters were compelled to give advanced Rates of Exchange for Commissariat Bills, as low Tenders were refused by the Officers managing that Department, as Your Memorialist is prepared to prove.

That under all circumstances it is contended that the Rix-

dollar did not lose its value in internal Transactions, Land, Stock, and Articles of the first necessity having remained at prices either Stationary or with variations traceable to other Causes.

That in this Situation of the Money Affairs of the Colony the Colonial Government has issued an Ordinance dated 6th June 1825 fixing One Shilling and Six Pence Sterling as the value of that Rixdollar which it had fixed or guaranteed at 48 Styvers of Holland and making such one shilling and six pence "a legal tender" in all antecedent Colonial Money Transactions whether arising from Mortgages, Bonds, or other debts.

That it is to be noticed that one shilling had been previously declared to be "a legal tender for 12 Styvers" and that the same shilling and one half are here made "a legal tender" for 48 Styvers. See the Proclamation 14th January 1800 before referred to. See also the Capitulation Article 9th where the word "heretofore" has reference to the antecedent period.

That the Colonial Government has itself wavered as to the Justice or expediency of the step taken, it having adopted measures to counteract the Ordinance of the 6th June 1825 until the whole shall have been reconsidered in England, which measures have in so far Tranquillized the Colonists for the present as to have prevented (what would otherwise have occurred) a Stagnation in every Interior transaction.

Your Memorialist therefore humbly prays Your Honorable House to take into serious consideration the Injury he together with the whole of the Capitalists and Proprietors have sustained by this Erroneous measure, a measure moreover which the Inhabitants consider to be a breach of National faith towards them, and to afford such redress herein as to your Honorable House upon full Consideration shall seem Equitable and reasonable.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

LOWER GROSVENOR STREET,
Wednesday, May 17th 1826.

MY LORD,—I have the honor to report my arrival in London to Your Lordship, and to say that I am entirely at Your Lordship's service to have the honor of waiting on you at any time Your Lordship may be pleased to appoint. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from CAPTAIN THOMAS BUTLER to EARL BATHURST.

LOCATION NEAR GRAHAMSTOWN, 17th May 1826.

MY LORD,—With great respect I take the liberty of informing you that I brought out a party of settlers to this Colony from Ireland, for whom I laid down my own money in the Treasury in London, and being sent to a place called Clanwilliam where no good could be done and where I lost I may say all I was worth, being obliged to pay for all my rations there, I was sent here, a distance of more than eight hundred miles, indeed to enumerate all my family and myself suffered in this Colony for these last six years would take up too much of your Lordship's time and would not, I am very certain, be very pleasing to your Lordship's feeling heart. I have always remained on my location, and have made as great exertion as any man, altho' my servants, (all of whom I discharged on account of the total failure of the crops) never did any good for me. I have two sons fully capable of taking care of this place, and my wish is to return to Ireland and bring to the Frontier a party of my distressed and turbulent countrymen; it would be a famous change for them, and would materially serve Grahamstown and the whole of this District, as there is a great want of artisans and labourers. I am certain I can procure in the neighbourhood I came from in Ireland plenty

of both tradesmen and labourers on almost any terms, as many of their relatives and friends are here already.

The terms I should wish to bring them out on would be to take charge until our arrival in Grahamstown, and there discharge them, suppose give them a month's rations. There is no doubt but they would be immediately employed at high wages, for bad as my unfortunate countrymen are I should not like to sell them as I have seen done here. I gave mine all their discharges without a penny expense to themselves. Let the Government pay me what should be deemed adequate to my trouble, I will go to Ireland at my own expense. As I have been a great sufferer I expect your Lordship will take me into consideration and give me an opportunity of extricating myself and leaving this place (a good one) free and unincumbered to my children when it may please Providence to call me from this life.

I beg your Lordship's answer and have &c.

(Signed) THOS. BUTLER.

P.S. Please direct to Captain Butler, Grahamstown. The rust in the wheat this season has been worse than ever, however we have learned to live without bread.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 18th May 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a dispatch which has been received from the Governor of the Cape of Good Hope, together with a letter from Commodore Christian commanding His Majesty's Naval Forces on that Station, in which it is recommended according to the plan and estimate enclosed, that moorings should be laid down for the Ships and Vessels which may have occasion to anchor in Table Bay ; and I am to desire that you will lay these papers before the Lords Commissioners of the Admiralty for their consideration. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from MR. W. ALERS HANKEY to R. WILMOT
HORTON, ESQRE.*

FENCHURCH STREET, 18th May 1826.

DEAR SIR,—I have the honor to enclose you the copy of Dr. Philip's Letter to Mr. Greig, referred to in my last communication. I am etc.

(Signed) W. ALERS HANKEY.

(See Volume XXIV, page 123.)

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 19 May 1826.

MY LORD,—I transmit for your Lordship's perusal a Report which I have received from His Majesty's Commissioners of Enquiry on the alleged grievances of Mr. Bishop Burnett, as set forth in the Papers which I forwarded to your Lordship some time since; and I shall be glad to receive from your Lordship any observations which you may have to make in addition to, or in explanation of the statements contained in this Report. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, May 19th 1826.

MY LORD,—I have the honor to enclose the copy of a letter from the Revd. Wm. Shaw, Wesleyan Missionary in Caffreland, setting forth the expectation entertained by certain Tribes of

Caffres that they are to be restored to the occupancy of the Country they formerly possessed near the Sea Coast between the Great Fish and Keiskamma Rivers; their reasons for entertaining such an expectation; and his own strong recommendation in favour of the proposed restoration.

This letter also stating that permission had been granted by Lord Charles Somerset to those Tribes to graze their Cattle within the neutral ground, of which permission there appeared no record in this office, it was referred to Lieutenant Colonel Somerset Commanding on the Frontier who admits the leave to graze, but states that at the time of granting it all idea of restoring any part of the neutral territory was distinctly resisted. As Lieut. Colonel Somerset's letter contains much information upon this question, and as he is generally opposed to the opinions of Mr. Shaw, I enclose a copy of his communication.

Your Lordship will be aware that the Country now partly occupied by these Caffres and the whole tract they solicit, is that which the Commissioners of Inquiry have recommended to be ceded to the South African Company. Another large tract of this neutral country lying between the Fish and Konap Rivers has been already measured by order of Lord Charles Somerset for certain Dutch Boers, but to whom no grants will be made until your Lordship's sanction shall be obtained. Thus the idea of a neutral territory appears to have gradually given way to the applications made for possession of the land; and as there is no written record of the Treaty of 1819 it is difficult to say how the expectations of either Settlers or Caffres ought in strict justice to be limited. A new Treaty to be formally recorded, is recommended by the Commissioners of Inquiry in the event of the proposed grant being made to the South African Company; but tho' such a measure might be practicable if confined to the boundary between the Company and the bordering Tribes, it would be more difficult to accomplish, if it embraced the whole Frontier line, and it is probable would fail of conciliating the Caffres unless it permitted them to repossess a considerable share of Country they lately evacuated, and to which Mr. Shaw states they now make pretensions; or unless it contained an entire renunciation on our part of the right of occupying any portion of the neutral

territory except by Military posts ; thus replacing this extensive tract of Country under the circumstances which the term *Neutral Territory* would seem to indicate as the original intention of the contracting Parties.

By the first of these propositions, the Settlers and Caffres would again be brought into contact, which it appeared to be the policy of the Treaty of 1819 to avoid. By the second the hopes of the Boers for whom Land has been measured and of all others expecting grants in these districts must be sacrificed, and a valuable tract of country left unoccupied ; but the ostensible meaning of the Treaty would be preserved.

Lieut. Colonel Somerset gives a decided opinion in favor of preserving an open space between the Keiskamma and Fish Rivers, and for the same reasons it must be presumed equally advantageous to avoid coming into contact with the Caffres upon or beyond the Konap. It will therefore probably be found not only in accordance with the terms of the Treaty of 1819 but also most advantageous to the Colony to preserve strictly the neutrality of the whole border, until increased civilisation and improved moral habits on the part of the Caffres and an augmented population on ours may render a closer neighbourhood less dangerous. It may not be necessary to deprive the Caffre tribes of the permission which they now harmlessly enjoy of grazing their cattle in certain places of the neutral ground ; but the occupancy and settlement of the country between the Fish and Keiskamma Rivers by the South African Company and of that between the Upper Fish and Konap Rivers by Dutch Boers would be an absolute abandonment of the neutral system, and an extension of the boundary of the Colony beyond its ancient limits.

I have endeavoured thus briefly to bring the question of neutral territory, as it now stands, under your Lordship's notice ; hoping that I shall be honored with instructions to enable me to answer promptly and decisively any future applications of either Settlers or Caffres for permission to occupy that country. I have informed Mr. Shaw that I have forwarded his communication to your Lordship, and that for the present things may remain as they are. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

WESLEYVILLE, CAFFRELAND,
April 6th 1826.

SIR,—I beg leave to request that you will do me the honor to lay before His Honor the Lieutenant Governor the following remarks relative to a portion of the neutral Territory, and which I am constrained to bring under the notice of the Colonial Government, in consequence of the ceaseless importunity of the Chiefs with whose tribe I reside.

This tribe, under Pato and his brother Congo, forms a population of at least from Seven to Ten Thousand Souls, *all* of whom have lost their Country, in consequence of the Treaty made with Gaika in 1819. The *whole* tract of country formerly belonging to them lies between the Fish River and the Keiskamma, being a narrow tract along the coast; this they were obliged by that Treaty to relinquish, and have ever since inhabited a country that belongs of right to the tribe of Tsambie; they profess to suffer very great inconveniences in consequence of the loss of their country in their political relations with other tribes, and consider themselves seriously injured by the change, inasmuch as they affirm their own country to have been much better adapted to grazing purposes than that which they now occupy.

With the conditions upon which the Neutral Territory was evacuated by the Caffres I am not acquainted; but Congo and the other Chiefs of the tribe appear to have understood that the country was not ceded *in perpetuity*, but *pro tempore*, and that it would be restored on the full establishment of more friendly relations between the Caffres and the Colonists.

I beg leave to suggest on behalf of these Chiefs that as *theirs* is generally admitted to be one of the *most friendly tribes*, that it would be a generous and a wise act on the part of Government to restore to them their Country as a reward for their good faith and conduct towards the Colony for two years past. Such an act would be received by them in its proper light, and I have no doubt but it would have a very powerful influence upon them.

In compliance with the earnest entreaties of Pato and Congo, His Excellency Lord Charles Somerset was induced on his visit

to the Frontier last year to allow them to graze their Cattle on the neutral country, as far as the Beka River, which is about *one half* of the tract of land that they had formerly possessed. The Chiefs understood when this permission was granted, that the restoration to them of the whole Country, as far as the Fish River, would depend upon their conduct during their continuing temporarily to occupy as far as the Beka.

No stolen cattle having been traced in the direction of their Kraals on the Beka, and no complaints having even been preferred against them since their advance to that River, the Chiefs look forward with hope that the remaining tract, as far as the ancient boundary (the Fish River) will be restored to them ; and I may perhaps be allowed to remark that as the Beka River is not well adapted to form a good Frontier line, and as it would appear to them a very severe measure *again* to drive them behind the *Keiskamma* after their *quiet and inoffensive* occupation of a part of the country for a considerable time, the most politic procedure would doubtless be to restore to them the whole of their proper Territory.

It had been expected that one advantage to be derived from the neutral Territory would be its operating as a check to the frequent plundering excursions of the Caffres, from their great distance &c. but *experience* shews that the difficulty of tracing a *spoor* over so large a tract as the neutral Territory is so great that the patrols are frequently obliged to relinquish the pursuit, before they have arrived at the *Keiskamma* ; whereas if the Caffres were *nearer*, the *spoor* could with much greater ease be traced into some tract of country, for which a Chief, by his residence there, would be held responsible, and who on having the *spoor* pointed out to him would, from a regard to his own interest, seldom fail to trace out the thieves and return the cattle.

If it should be thought desirable that the Caffres should occasionally enter into the service of the Settlers in Albany, then I am persuaded no measure would so speedily bring about that result, as allowing the Caffres to approach nearer to the Colony. Considerable numbers of this tribe used formerly to be occasionally employed by the frontier Boers, and although they were not always very well used, yet if they again lived sufficiently near, and saw that they could *go into* and *return*

from the Colony with confidence, I am of opinion that many of them would readily go out for short periods of service, say in the *planting and harvest* seasons, and if remunerated and treated satisfactorily to themselves these partial services would insensibly lead them on to form more permanent connexions with the Colonists.

Another advantage that the Colony would derive from permitting this tribe to return to their country would be that a traffic might then easily be opened with them (and through them, with the interior tribes occupying the coast parts) at Caffre's Drift Post, which from its vicinage to the mouth of the Fish River, to Port Frances, and being nearer than Willshire to Port Elizabeth, would doubtless tend to the advantage of those connected with the trade.

In restoring to them their country, besides any stipulations which might be thought desirable to impose upon them, they might be informed that they could hold that country *only* during good behaviour, and that any flagrant breach of good faith would endanger their being again driven beyond the Keiskamma; this held over them in terrorem, connected with other circumstances operating a beneficial influence upon their minds, would be the best guarantee that no bad consequences would result to the Colony by their being permitted to become such near neighbours.

I trust that His Honor the Lieutenant Governor may not have brought out from His Majesty's Government at Home any Instructions relative to the neutral Territory which renders it impossible for this arrangement to take place, and if not, I flatter myself that as little time as possible will be allowed to elapse before the Colonial Government finally decide on this question, as while it is still pending His Honor will see that many improvements in the Civil and Religious state of the tribe, intended to be attempted by the Missionaries and their Patrons, must necessarily be greatly retarded. Trusting that the length and freedom of my remarks may be excused,

I am &c.

(Signed) W. SHAW, Wesleyan Missionary.

To Sir Richard Plasket,
Secretary to Government.

[Enclosure 2 in the above.]

GRAHAM'S TOWN, *May 9th* 1826.

SIR,—In reply to your letter of the 26th April I have the honor to state that the whole of the Kaffer Chiefs made application in the month of September 1824 to be allowed to occupy the ceded Territory as a grazing country, in such parts and on such terms as His Excellency the Governor and Commander of the Forces might deem proper. In the month of February 1825 I submitted these requests to His Excellency Lord Charles Somerset. His Excellency upon this saw the Kaffer chiefs upon the subject at Fort Willshire. On his return to Graham's Town the subject was again renewed by Congo, when His Excellency decidedly and clearly explained to him the impossibility of the ceded Territory being again returned to the Kaffers, but His Excellency instructed me to permit the Kaffers of Congo's and Pato's Tribes to graze their cattle on this side the Keiskamma, extending as far as the Beka River, so long as they conducted themselves quietly. His Excellency was also pleased to approve of the same favor being granted to the Kaffers of Gaika and the subordinate Chiefs to the Northward, grazing their cattle on this side the Boundary, commencing at the Kat River, to within five miles of Fort Willshire, which line of country I pointed out to the Kaffer Chiefs on the same terms as Congo's people.

As Mr. Shaw has represented the case of Congo and his brothers in such strong terms, it becomes necessary I should state for the information of His Honor the Lieutenant Governor some points of the treaty entered into by His Excellency the Governor and the Kaffer Chief Gaika in September 1819.

As relates to Congo's tribes, they had been particularly hostile, several attempts had been made to induce these tribes to remain quiet and faithful to Gaika, but without effect.

In 1818 and 1819 they occupied the strong fastnesses in the Fish River bush towards the sea, notwithstanding the large Force from the Colony that at that period entered the Kaffer country, it was almost impracticable to drive Congo's Kaffers out of the Bush. They at length were surrounded by our force and surrendered.

Congo in the name of his people agreed to submit himself to Gaika and disclaim all further connection with the Rebel Chief S'lambie, with whom until this period he had been connected. Congo then proceeded to the Kat River and joined Gaika.

At the meeting between His Excellency and Gaika, it was particularly stipulated by His Lordship that the Kaffers were for ever to give up all claims to the country from the Kat River post to Fort Willshire (the line of the Chumie being the boundary to the northward) and from Fort Willshire to the Mouth of the Keiskamma on this side.

It was also decided that Gaika should point out to the several Chiefs the part of the country their tribes were to occupy, on the opposite side, S'lambie and his tribes not having submitted to Gaika were outlawed and were not considered.

Congo and his tribes proceeded to occupy the country towards the sea, on the opposite border of the Keiskamma. This was in the summer of 1819. From that period to 1822 the Kaffers were particularly quiet, but from that period to 1824 the Kaffers along the whole line of front occupied themselves in committing depredations, particularly in the year 1823, when they committed several murders, and Congo's tribe were equally active with the other tribes. By the indefatigable exertions of the Troops, and the unremitted activity of the Outposts, this system of plunder was at length checked, but it was found necessary in several instances to enter the Kaffer country in order to retake the Cattle stolen, and I felt it necessary at several periods to meet the chiefs and point out to them the danger they were incurring in persisting in these acts of plunder.

At length in the latter part of 1824 the Kaffers became more quiet, the Chiefs then spoke to me to be permitted to graze their cattle within the Colony upon the terms I have before stated, (for confirmation of these circumstances I would beg to refer His Honor to the Reverend Mr. Thomson at the Chumie) and not (as stated by Mr. Shaw) with the idea of any part ever being restored to them, which is entirely a supposition of his own, of which the Kaffers themselves never entertained a thought, but merely on account of the drought, their own country being burnt up. Congo's people have remained undisturbed between the Keiskamma and the Ecca, (a line of

country I myself pointed out to them) and perhaps one of the most fertile and beautiful parts of the Colony, and I am convinced would rest contented and satisfied were they not encouraged by others to hope for a further extent of territory. Mr. Shaw has fallen into an error in stating that that country was originally occupied by Congo's tribes. The late chief Congo never occupied that country, and the present chief only partially occupied it as a grazing farm in 1817 and 1818, conjointly with other Chiefs subservient to the Chief S'lambie.

In Mr. Shaw's zeal for the welfare of the Tribes with whom he now resides, I presume he has entirely overlooked the consequences to the Colony should the advantages of the measures he has now projected fail. Frequently in my communications with Mr. Shaw has he assured me of the desire and endeavours of the Chiefs to control their people, but upon most occasions it has become very difficult, how then can he all at once answer for the fidelity of an immense body of savages, who can in a moment muster a body of Six Thousand Warriors, who would make use of the advantage given them by the measure now proposed. Upon the most trivial pretext and immediately the whole of Kafferland would join them and make common cause.

On Mr. Shaw's last paragraph I must beg particularly to remark, where he says "I flatter myself &c." Now with regard to deciding the question, it certainly was decided and clearly and explicitly decided between His Excellency and Gaika at their meeting on the Gwanga in 1819 in the presence of the Colonial Secretary and the Commandant of the Frontier (Colonel Willshire), the Landdrost of Graaff Reinet and myself, and therefore cannot be now *pending*. Mr. Shaw must be aware of it, indeed I have myself repeatedly assured him of this fact, and so long as Mr. Shaw either countenances this idea in the minds of the Chiefs or refrains from exerting himself to convince them of the contrary, so long indeed will the minds of this already too unsettled people be kept in a state of anxiety, anticipation and even discontent. With regard to the measure itself of permitting the Tribe of Congo to occupy again the line of the Fish River, it is objectionable, inasmuch as that the whole of the other tribes would immediately request the same indulgence, and put in their claims to it as a right. If refused,

it is more than probable they would attack those favoured tribes, and take advantage of the same opportunity to enter the Colony.

The Kaffers have of late (it is true) been tolerably quiet, but they are not to be trusted. They have on every occasion broken their faith with us the moment they imagined they could do so with impunity. In 1820 they remained quiet so long as Colonel Willshire was Commandant of the Frontier, and the system of patrolling was pursued rigidly. On his being replaced by an officer who adopted a different plan of defence, the Kaffers again became most daring, threatening our outposts, and committing depredations in all parts of the country. The tribes the most active on these occasions were those of McComo (Gaika's son), Enno's, Botman's, and Congo's Kaffers, all of them supposed to be friendly to the Colony. It occupied the period from the years 1817 to 1820 before the Kaffers were finally driven out of the Colony. The open space between the Keiskamma and the Fish River gives us great advantages over the Kaffers and materially favors our operations in keeping them out of the Colony.

I feel it my duty to give it as my opinion that if the Kaffers are again admitted along the Fish River it would be a measure fraught with the utmost danger to the Colony. This is not a hasty opinion, but one founded after an intimate acquaintance with that nation for eight years. I am aware how important it is to live on terms of peace with the Kaffers. The only way to ensure this good understanding is to keep them at the distance they now are, and I am decidedly and clearly of opinion that if the Kaffers once again possess the Fish River Bush, it will be impossible to answer for the safety of the Colony, and it will deprive us of an advantage we cannot again possess without considerable sacrifices, and the certain destruction of many of the most valuable Farms on the Frontier.

I have &c.

(Signed) HENRY SOMERSET,
Lt. Col. Comg. Frontier.

The Honorable Sir Richard Plasket,
Secretary to Government.

[Copy.]

Hansard's Parliamentary Debates.

19 May 1826.

Currency at the Cape of Good Hope.—Petition of Lieutenant Colonel Bird.

Mr. *Baring* rose to present a petition from lieutenant-colonel Bird complaining of the changes occasioned in the currency of the Cape of Good Hope by large issues of paper-money by the colonial government. The honourable member entered into a description of the various changes which had been effected in the currency of that colony by the Dutch governors, whilst it was in the possession of the United Provinces. By the proclamation of sir David Baird the value of the Rixdollar, which formed the currency of the Cape, had been fixed at 4s., and from that period to the present it had been successively reduced to 3s., 2s. 6d., and finally to 1s. 6d. Nothing could be more arbitrary, unprincipled, nor more injurious in its effect, than this unjust alteration in the currency of any country. He begged it to be understood that the petitioner made no complaint whatever of the government of the Cape, and particularly that the present application had no reference whatever to the noble person who now held the chief office there. He only wished that the House should be made acquainted with the actual effect which had been produced by the changes of which he complained, and this would be best understood by means of a statement of the times and manner in which the various alterations had been made. In 1806, the rixdollar was current at the value of 4s. From that year, to 1810, its average value was 3s.; from 1811 to 1816, it was 2s. 6d.; from 1816 to 1820 it was 1s. 10d.; and from 1821 to 1825 it was 1s. 6d. at which rate it now continued. All of those depreciations had been occasioned by the extensive issues of paper money, and exemplified a curious fact, into which he would not now enter, respecting the influence which paper money had upon the value of a metallic currency. He knew it would not be easy to return at once to the state of the currency before these changes, nor would it be consistent with

justice to do so indiscriminately, even if it were practicable. This, however, might be done, and was quite fair—a graduated scale might be made of the various engagements which had been entered into, and of the value of the currency at different times. It was obviously necessary that some such measure should be adopted; because, as he had been informed from unquestionable authority, many individuals had been ruined by the effect of these changes. He was sure he had underrated the amount of the disadvantages to which the inhabitants of the Cape were exposed, and in one instance particularly, as to the coin which was sent thither from this country by the government. That coin was produced at a gain of twelve per cent beyond its real value, and thus the currency of the Cape suffered this loss in addition to the others. If he had heard that these things had been practised in a barbarous country, he should perhaps have felt no great wonder at it; but when he knew that the subjects of the British empire were exposed to their effects, he could not hesitate to express his decided censure of them. He begged to inform the House, that the petitioner had applied to some of his learned friends for their opinion as to the circumstances of his case; and they stated, that no redress could be had through the ordinary legal tribunals, and that it was by means of this House alone that he could have justice done him. He knew that the king might, by the advice of his council, and therefore under a certain responsibility order the 20s. piece to pass current for any sum he should think fit. That power had, however, been exercised in this colony without any responsibility, and to such an extent, that if the House did not interfere, the property and even the people themselves must be sacrificed. He appealed to the knowledge which the secretary for the Colonial Department had of the petitioner for his perfect respectability, and trusted he should hear that it was intended to examine more carefully the case which he had presented to the notice of his majesty's ministers.

The *Chancellor of the Exchequer* agreed that the subject of the petition was an important one. The charge which the honourable gentleman had made against the government was so serious, that it required a full explanation of all the circumstances of the case, which could not be entered into at that

moment. When the time should serve, he should be ready to justify the course which the government had felt it necessary to adopt. But, before he entered on that justification, he should be obliged to move for some returns, in order to put the House in possession of certain facts explanatory of the nature of the paper currency, and in the mean time he hoped that honourable members would not conclude with the honourable gentleman, that the conduct of ministers had been as unjust and iniquitous as it had been represented. When the honourable gentleman compared the paper-money of the Cape with that of this country, he compared two things which had no resemblance whatever to each other; seeing that the former, whether issued by the Dutch or by the British government, was never convertible into specie, nor payable on demand at the will of the holder. Like all other paper-money, the amount of which was unlimited by the law of the country in which it was made, it contained the essential qualities of depreciation. It never included any obligation on the part of the government to pay it in specie. However this might surprise gentlemen, he could prove it by documents for which he should move. The measure which gave rise to this complaint was a part of a general design to give to the colonies which were overrun with paper-money something like the benefit of a metallic currency. It became necessary, in putting this into practice, to consider at what rate they should receive the paper money already issued, in exchange for the silver they sent out. This showed also that the government did not feel themselves obliged to take the paper-money at par. The honourable gentleman was mistaken if he supposed that the various issues of paper-money which had taken place at the Cape grew out of the necessities of the British government, or that they had been used in payment of the British troops, or for the public services of this country, but for the local purposes of the colony. He would first put the House in possession of the materials necessary for forming an accurate judgment, and then he should be ready to enter into any further discussion of the matter.

Mr. *Hudson Gurney* said, he wished to call the attention of the House to what he could not but consider a very great injustice. He meant, the situation of those persons who were

creditors of the Orphan Chamber, at the time of the capture of the Cape. The case of one family, partly resident in Holland and partly in this country, came within his own knowledge. It was that of a person dying, and his property, by the laws of the colony, being placed in the hands of the fiscal, and lodged in the Orphan-house for the children left minors and orphans ; the rixdollar being then at 4s. 6d. At the time of the ceding of the colony to this country, the security of these investments was guaranteed by the English government, and government lands were understood to stand mortgaged as security for these funds. This guarantee was recognized in many subsequent proclamations ; but the government issuing more paper for the occasions of the colony, the exchange with England rose from 15 per cent in 1803, to 200 at one time, and 180 since, against the Cape. The family had received scarcely any interest for eleven years, a small part having only been remitted, at that immense loss. The rixdollar paid in at 4s. 6l. having been thus fixed by government at 1s. 6d., persons in this position presented a case entirely different from that of the colonists, who had been paying and receiving in Cape currency, during its fluctuations.

Dr. *Lushington* said, it was not his honourable friend's fault that this petition had not been presented before, for application had been previously made by the petitioner, both to the under Secretary of State for the colonies, and to the Secretary of the Treasury, for compensation. This was a question of very great importance to the Cape of Good Hope ; and he did trust that it would be considered with as much favour by his majesty's government as a similar case from another colony had been, some time ago, when earl Bathurst, with great consideration and humanity, referred the petitioners to the Privy Council, who rescinded that part of their former order under which the parties had been aggrieved. As to what the chancellor of the Exchequer had said about its not being obligatory on the government to pay the paper-money in circulation at the Cape, that was a declaration which he had heard with the utmost astonishment. He could not conceive it possible that the government could have issued, and received money for these notes, without holding themselves bound in common honesty to pay them. That, however, the right honourable gentleman

seemed to look upon as a matter, not of right, but of grace and favour.

Mr. *Ellice* denied the doctrine of the Treasury, with respect to the analogy between the Cape currency and that of this country. The issue was made by an English governor, and the government obtained for their notes at from 2s. 6d. to 3s. the rixdollar. It was, therefore, most unjust for them to pay off those notes at half this value.

Mr. *Herries* said, that the learned civilian had clearly misunderstood his right honourable friend, who had merely, as he understood him, intended to say that the paper issued at the Cape did not purport to be convertible into money; and this, any honourable gentleman who happened to possess a bank-note of the kind in question, would discover to be the case. The fact was, that paper had never been at par, except upon two occasions, when large portions of it were called in and paid off by the Dutch government, who immediately afterwards issued a larger amount than that which they had cancelled. The object of the measures, the operation of which was complained of by the petitioner, was to introduce British coinage into all the colonies, in lieu of the various descriptions of paper which at present circulated therein. In some cases the paper was that of a former government, issued previously to our possession of the colony; in some it had been so issued under circumstances of great embarrassment, in others the absurdity had been resorted to of striking out a large hole in the centre of a Spanish dollar, and then it was declared by proclamation that the piece so deteriorated in value should pass for one shilling more than it would have done if it had been entire. It must be evident from these facts, that the measure determined on by government was not only a proper but a necessary one. It was an act of justice to the colony to substitute a metallic currency in lieu of a paper one subject to such ruinous fluctuations. The Treasury had, previously to enforcing the introduction of the metallic currency, bestowed great pains in considering on the manner in which the clause should be brought about so as to produce the least possible inconvenience to the colonies. If government were called upon to pay 4s. for every rixdollar which they took up, they might as well at once take upon themselves to pay the whole of the debts of the colony.

When the order went from this country, fixing the par of the rixdollar at 1s. 6d., an accompanying order was sent out, that every individual who chose to place 1s. 6d. in the public chest should receive a rixdollar for it. That measure was thought necessary to operate as a check on any sudden injury that might arise to the people in the colony from the change.

Mr. *Baring* said, he did not think the honourable member had seen the essential points of the complaint. He agreed generally as to the policy of establishing a metallic currency in the colony; but such a step ought to have been preceded by a measure something similar to what might be termed an equitable adjustment; but though he thought the establishment of a metallic currency a correct proceeding, he considered government wrong in taking the extreme end of the line to fix the value of the rixdollar. It fluctuated from 1s. 6d. to 4s. and it would have been better to have taken a medium rate. He hoped that a committee would be appointed to inquire into the best mode of regulating the currency, and of suggesting a method for the repairing the evils attendant on the change from a paper to a metallic one. The appointment of such a committee would, in his opinion, satisfy all parties.

Mr. *H. Gurney* asked, whether he was to understand, from the honourable gentleman, that the creditors, previous to the capitulation, were to be paid at the rate of 1s. 6d. instead of 4s. 6d. the rixdollar, or whether their case would receive further consideration?—No answer was given.

Ordered to lie on the table.

[Office Copy.]

Letter from EARL BATHURST *to the* OFFICER ADMINISTERING
THE GOVERNMENT.

DOWNING STREET, LONDON, 20 May 1826.

SIR,—I have to acknowledge the receipt of Lord Charles Somerset's dispatch under date of 21st of February last, covering a Return shewing the extent of the new Ground brought into cultivation in the different districts of the Cape of Good Hope from the 1st of January to the 31st December

1824; and I have to desire that you will take measures for ensuring the regular transmission for the future of Returns of this description. I have &c.

(Signed) BATHURST.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 20th May 1826.

SIR,—Having laid before my Lords Commissioners of the Admiralty your Letter of the 18th instant transmitting by direction of Earl Bathurst a proposition from Commodore Christian for affording greater security for Merchant Ships resorting to Table Bay by laying down Moorings, I have their Lordships' commands to acquaint you that they cannot recommend the adoption of the plan proposed by the Commodore.

I am etc.

(Signed) JNO. BARROW.

[Office Copy.]

*Letter from EARL BATHURST to the OFFICER ADMINISTERING
THE GOVERNMENT.*

DOWNING STREET, LONDON, 21 May 1826.

SIR,—I have had under my consideration Lord Charles Somerset's despatch, under date of the 23rd of February last, enclosing a letter and Plan from Commodore Christian, commanding His Majesty's Ships and Vessels on the Cape Station, wherein he submits the propriety of laying down Moorings for the purpose of affording a better anchorage to Merchant Ships resorting to Table Bay; and I have to acquaint you that the Lords Commissioners of the Admiralty, whom I have consulted on this subject, have stated to me, that they cannot recommend the adoption of the Plan proposed by the Commodore.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. JOHN RENNIE to R. W. HAY, ESQRE.

LONDON, May 21st 1826.

SIR,—In compliance with the request contained in your letter of the 24th ultimo, accompanied by the drawings and explanatory documents relative to the erection of the proposed Sea Jetty at Cape Town, I beg leave to observe that I have carefully considered the same; but not being aware of the situation where it is to be placed, I labour under a certain degree of difficulty in giving a correct opinion; presuming however that the old Jetty has stood very well, and that the drawing in question has been designed on this principle, I have only made some alterations (which will be better illustrated by the accompanying Sketch) thereby giving additional strength, which will render it better adapted to resist the waves to which it may be opposed.

The iron work in the drawing sent to me seems to be intended to be made of cast iron, this however is certainly not so well adapted for the purpose as wrought iron, which I should recommend in preference. With regard to the wood, the teak appears unobjectionable. I have &c.

(Signed) JOHN RENNIE.

[Original.]

Letter from MR. JOHN RENNIE to R. W. HAY, ESQRE.

LONDON, May 21st 1826.

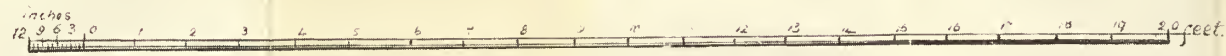
SIR,—In consequence of the conversation which took place at the Colonial Office on the 25th ultimo, I beg leave to observe that I am in the habit of finding persons duly qualified to undertake the management of works in the department of the Civil Engineer, and in the event of such being required, I have no doubt but that I shall be able to select proper persons, provided that sufficient time be given. I have &c.

(Signed) JOHN RENNIE.

End Elevation of the Jetty proposed to be erected at Cape Town.



1. The whole of the iron work to be made of the best wrought iron.
2. In putting on the plates a sufficient space should be left to allow the plates to clear with it.
3. The angle of the plates to be the same as in the drawing signed by Mr. Hope, with the addition of the Upright Braces.
4. The side Braces to be the same as in the drawing signed by Mr. Hope, with the addition of the Upright Braces.



London May. 24 1825
 Wm. Kennedy

[Office Copy.]

Letter from EARL BATHURST to the Officer administering the Government.

DOWNING STREET, LONDON, 22 May 1826.

SIR,—I have to acknowledge the receipt of Lord Charles Somerset's dispatch under date of the 24th of February last, covering copies of a correspondence which had passed between the Colonial Government and the Resident at Port Elizabeth, on the subject of the discretion assumed by the latter of remitting the fines to which certain Individuals were sentenced by his Court; and I have to acquaint you, that under all the circumstances which have been stated, I do not feel inclined to withhold my sanction of the remission of the fines in question.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. LANCELOT COOKE to R. W. HAY, ESQRE.

2 ABCHURCH LANE,
LOMBARD STREET, May 22nd 1826.

SIR,—More than two months having elapsed since I received the official communication from you that the Report which had been received from His Majesty's Commissioners of Inquiry at the Cape of Good Hope on my case had been *then* for *some time past* under the consideration of the Lords Commissioners of His Majesty's Treasury, and as I am yet without their Lordships' determination on the subject, I trust I shall not be considered as unnecessarily troublesome or impatient, if I take leave to remind you that nearly *two years* have now passed since His Majesty's Government has been in the possession of the circumstances of my case, and to urge (for my future government) in the most respectful manner the immediate removal of my present state of anxiety and suspense by a final answer to my Memorial, having waited this long period

with the utmost patience and never entertaining a doubt that the Colonial Department would afford me that Justice and attention to my case which I feel confident it must be found to deserve, and I beg to add I am the more anxious my case should be brought to a conclusion as I do not deem it proper to return to the Cape till it has been determined upon, altho' it is now the only cause of my detention in this Country.

I am &c.

(Signed) LANCELOT COOKE.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

22 May 1826.

SIR,—Not having received an answer to my letter of the 8th Instant, I beg the favour of your informing me if my papers are referred to the solicitor of the Treasury, as the parties are exceedingly anxious to know the most favourable terms on which my Lord Bathurst will allow them to proceed to their relatives in the Colony of the Cape of Good Hope.

I am Sir, &c.

(Signed) WM. SHEPHERD.

[Original.]

Memorial of MR. JAMES THOMAS ERITH to EARL BATHURST.

NO. 2 BARDON PLACE, PECKHAM,
SURREY, May 22nd 1826. .

To the Right Honorable the Earl Bathurst, K.G., One of His Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of JAMES THOMAS ERITH humbly sheweth
That Your Memorialist has to acknowledge the receipt of

Your Lordship's answer to his Memorial of the 2nd Instant, in which Your Lordship is pleased to call for Documents explanatory of your Memorialist's case.

That in compliance with Your Lordship's orders your Memorialist has given such parts of Captain Trappes' explanations to His Excellency the Governor as relate to the Allegations in Question, the whole of which your Memorialist would have transcribed for the perusal of Your Lordship, but was fearful of intruding on Your Lordship's time. The compulsory manner of your Memorialist's removal, a loss sustained in consequence, that the Location your Memorialist was removed to was not his proper one, that the Servants of your Memorialist were employed by Captain Trappes on the part of Government, their wages received by him, yet your Memorialist's private Property taken to feed them, as a just and deliberate act is therein acknowledged.

That your Memorialist most positively denies his having built on any other person's ground than that assigned to your Memorialist but considerably within his own boundaries, or that the warnings are correct, nor was the Land attempted to be measured by the Land Surveyor until long after your Memorialist's House was roofed in.

That your Memorialist so far from being shown previous to his leaving the Cape of Good Hope that he had no claim on the Commissariat has enclosed a copy of a Receipt given by that Department as their own admission some months subsequent to your Memorialist's departure from that Colony.

That your Memorialist considers that which relates to His Excellency the Governor of the Cape of Good Hope now his principal grievance. If such a supercedure had not taken place your Memorialist could have brought numerous Witnesses forward in confirmation of Documents he holds, and would also have substantiated other allegations too numerous to detail to your Lordship in a Memorial. But to be kept a Prisoner by His Excellency in a district for merely requesting to be allowed to return to England with the wreck of his Property, and that detention accompanied by a threat from the Local Authorities of Albany that if he passed the Boundaries of Albany without a Pass he would be breaking the Colonial Laws was too plain to mistake the import of.

That your Memorialist is certainly indebted to His Excellency in acknowledging a Truth September 10th 1824, and which compelled your Memorialist to trouble your Lordship with his case, but when the acknowledgment was made all avenues had been closed by His Excellency, therefore then of no avail.

That your Memorialist therefore with the deepest humility begs leave to request your Lordship will be graciously pleased to allow an Investigation now to take place. Your Memorialist could then point out the different parts relating to each Head of Grievance as it came under consideration, the public news having announced the arrival of His Excellency the Governor of the Cape of Good Hope subsequent to the date of your Lordship's answer.

That your Memorialist begs leave to notice to your Lordship that he has a Chart of the Land as taken at Graham's Town, on which is transcribed by one of His Majesty's Commissioners of Enquiry the deposition of a Witness as taken by them, which your Memorialist is ready to lay before your Lordship if required.

That your Memorialist feels assured your Lordship will perceive how inimical such proceedings were to an Infant Colony, and that the Emigrants' hopes were in a great measure frustrated by the acts of the Local Authorities at the Cape of Good Hope, and that during four years and a half of Cruelty and oppression your Memorialist has been even threatened with Imprisonment for not signing away his Property independent of being publicly summoned repeatedly so to do.

That your Memorialist has to entreat your Lordship's serious consideration in the behalf of his Family, and until it is decided allow your Memorialist to fulfil some situation (however humble) that may enable him to provide the necessaries of Life for them, which they are in some measure destitute of, and that your Memorialist looks forward with the most confident hopes to the conclusion of an Investigation which will develope to your Lordship the Sufferings which a Family have undergone, which no Pen can describe, and for which there was no justifiable cause.

And your Memorialist as in duty bound will ever pray.

(Signed) JAMES THOMAS ERITH.

[Original.]

Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.

NO. 2 BARDON PLACE, PECKHAM,
SURREY, May 22nd 1826.

SIR,—I have the honor to enclose for his Lordship's consideration such parts of the Official Documents as I conceive his Lordship to have called for. Allow me to say I feel greatly indebted to Mr. Hay for his kindness in so promptly returning his Lordship's answer to my Memorial after my Letter to him of Monday last, and I hope his Lordship will excuse the liberty I have taken in again naming my Family, but for the reasons therein assigned. I have &c.

(Signed) JAMES THOMAS ERITH.

(All the documents enclosed in the above have already appeared.)

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, May 23rd 1826.

MY LORD,—With reference to Your Lordship's dispatch of the 12th October last addressed to Lord Charles Somerset in reply to His Excellency's letter of the 12th July submitting for Your Lordship's consideration the expediency of granting to the Missionary Institution at Theopolis a tract of Land to the extent of about 4,000 acres on condition that the Institution should not further extend its landed possessions in the Albany District by purchase or otherwise, I have the honor to enclose for Your Lordship's information the copy of a letter received from the principal Missionary of Theopolis declining to accept the offer of land under the conditions required.

I take the liberty to observe that after a careful consideration of the reasons adduced by the Landdrost of Albany in support of the expediency of limiting the purchases of land in that District by the Missionary Society, I can not venture to recommend to Your Lordship to impose any restriction upon the

introduction of Capital into the Colony by limiting the amount of purchases, tho' it may be unnecessary to make grants of Land to a Body which is able and willing to buy. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

THEOPOLIS, 16th April 1826.

SIR RICHARD,—After having taken into consideration Earl Bathurst's communication proposing a grant of land to Theopolis on the condition of not extending its grounds by purchase or otherwise, I beg leave to say that, in replying to that offer, the ground in question from the poverty of its soil is not I conceive an equivalent for the surrender of such a right, especially as a claim has already been put for land lying between the Institution and the Sea of a far more valuable description both as to the quality of the soil and the facilities for procuring lime shell, which the acceptance of such an offer would annul.

I have &c.

(Signed) ROGER EDWARDS.

To Sir Richard Plasket,
Secretary to Government.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, May 23rd 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's dispatch of the 1st February last (No. 241) addressed to Lord Charles Somerset, in which Your Lordship declines to sanction the expense incurred in repairing the Building in the Government Gardens adjoining the public offices in Cape Town without further information. I beg now to acquaint Your Lordship that this Building has latterly been exclusively devoted to the public service. Upon the establishment of a Council Lord Charles Somerset placed the office in it,

and I have since removed my own office and that of the Chief Secretary into it, placing that of the Landdrost of the Cape District in the apartments vacated by the Chief Secretary. By this arrangement the rent of a house for the Landdrost, amounting to £15 per month, has been saved, which saving could not have been effected unless the Building in question had been put into complete repair. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 23 May 1826.

MY DEAR SIR,—The only records of the Cape Government which are in the possession of this Office are the Books of Correspondence between the Secretaries of State and the several Governors of that Colony. The correspondence from 1795 to 1803 fills fourteen or fifteen heavy volumes which may be copied certainly, if you deem them necessary, but of which operation of copying the Cape Government must be prepared to bear the expence.

With respect to any other papers which may have been taken away at the surrender of the Colony, I shall endeavour to trace them out, and let you know whether there is any hope of getting possession of them. Yours etc.

(Signed) R. W. HAY.

P.S. Since writing the above I have learnt from Mr. Barrow who was one of the Commissioners appointed to surrender the Colony to the Dutch authorities, that they were put in possession of all the public departments with Papers, Accounts &c. just as they stood. But as Mr. Barrow is acquainted more or less with all transactions which took place in the Colony between the years 1796 and 1803 it might be as well that you should define more particularly the nature of the records which you state to be wanting.

R. W. H.

[Original.]

Letter from MR. FREDERICK CARLISLE to R. W. HAY, ESQRE.

4 GRAY'S INN SQUARE, 23rd May 1826.

SIR,—In reference to the proceedings of the Committee of Emigration, relative to the proposition given in by me, as it appears there is considerable disapprobation manifested of the scheme therein detailed of an Emigration to the Cape of Good Hope, I am now rather at a loss how to act, and a desire of obtaining some information for my future guidance is the occasion of my troubling you with the present communication.

If it should appear that Government are not hostile to the principle, but only to the particular plan of the proposed Emigration, may I beg the favor of your informing me whether, upon learning the views of Government on the subject, it would be advisable for me to submit any such altered and amended proposition as shall in its detail be more conformable to those views, or whether it will be the pleasure of Government that the Colonial Department do lay down some rule whereby the same shall be conducted.

I hope Sir you will excuse any apparent anxiety on my part to obtain as early information as possible of the probable issue of my proposition, as the expense and loss of time incurred since leaving the Cape will be to me of material consequence before I can return thither, and I should be much obliged by your stating if there is any probability (provided Government should finally reject the application) that my Lord Bathurst may think such expenditure and loss of time worthy of remuneration. I have &c.

(Signed) FRED CARLISLE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 24 May 1826.

MY LORD,—I have the honor to inform your Lordship that Dr. Barry was, in the year 1823, appointed by His Excellency Lord C. H. Somerset to succeed Dr. O'Flinn as Medical Superin-

dent of the Leper Institution situate at Hemel en Aarde, about 100 miles from Cape Town.

A salary of Rds. 600 a year and allowance for travelling expenses were attached to this service, but in consequence of Dr. Barry's resignation of the situations he held under this Government, as reported to your Lordship by Lord Charles Somerset in his despatch of the 5th November 1825, the situation is at present unoccupied.

Under these circumstances, and deeming it necessary that some regular medical attendance should be afforded to the above Institution, I have instructed the District Surgeon of Caledon, a Village within four hours ride of Hemel and Aarde, to pay regular visits to it every fortnight, and to make his medical report to Government at the end of each quarter, when the Superintendent reports upon the general state of the Institution.

I have made an allowance of £22 10s. or Rds. 300 per annum to the District Surgeon of Caledon for this extra duty, and I trust your Lordship will approve of the measure, by which a saving of Rds. 300, besides Rds. 150 or more for travelling expenses, will be annually effected to Government.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 24 May 1826.

MY LORD,—The Superintendent of Government Works and Buildings having applied to me for the payment of the expense of a supply of French paper for the use of this Government House, which appears to have been ordered some time since by His Excellency Lord Charles Somerset, and as I do not feel myself authorised under your Lordship's instructions to make such a disbursement without the previous sanction of His Majesty's Government, I have the honor to transmit to you copies of the correspondence on the subject, and request

your Lordship will favor me with your commands thereon as early as possible.

It is my duty to add that all the rooms in the Government House require fresh painting or papering, and that the new room for receiving company, for which the paper was principally intended, has never been either papered or painted.

I have &c.

(Signed) RICHD. BOURKE.

(I have not copied the enclosures, as they are of no importance whatever now.—G. M. T.)

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JAMES THOMAS FRITH.

DOWNING STREET, 24th May 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your memorial of the 22nd Instant, and to repeat to you that his Lordship desires to see the documents which you have stated that you could produce to substantiate your grievances. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR GENERAL BOURKE to the COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN, May 25th 1826.

GENTLEMEN,—I have the honor to enclose the copy of a despatch from Earl Bathurst dated the 20th February last and received here by the last mail, and to request your attention to the concluding paragraph in which His Lordship proposes that a tax should be laid upon the owners of slaves in this Colony at a certain sum per head for each slave. Upon referring to your letter to Lord Charles Somerset of the 8th January last

I find the same measure suggested to His Excellency as the means by which relief may be afforded to the colonists from the injurious effects they sustain by the pressure of direct taxes on their capital and stock. Conceiving therefore that Earl Bathurst's communication on the subject of this tax has had its origin in your recommendation, I beg to know whether at the same time you intimated to His Lordship that the imposition of this tax was intended to afford the means of repealing others of a more objectionable nature, and whether you are prepared to state to me for the information of Council the nature and amount of the taxes you would recommend to be taken off upon this introduction of the proposed assessment on slaves. My object in making this application is simply this. The pressure of severe distress occasioned by the general failure of the grain crops at the last harvest, the losses sustained in the grazing Districts by the long continuance of drought, the complete stagnation of the wine trade, together with the feverish anxiety which appears to pervade all classes of the community as to the result of your inquiries and labors, seem to point this out as a period peculiarly unsuited to the imposition of a new burden on the people unaccompanied by any redeeming circumstance, and I would venture to submit to Council the expediency of deferring the enactment of the proposed tax unless I could at the same time hold out the advantage to be obtained by the removal of others. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 26 May 1826.

MY LORD,—I have received the Earl Bathurst's directions to transmit herewith enclosed to your Excellency a communication and its enclosures which have been received from the Board of Treasury, upon the subject of the Military Survey of the Cape of Good Hope ; and I am to request that your Excellency will explain to his Lordship under what circum-

stances this survey was undertaken, and what progress has been made towards its completion. I have &c.

[(Signed) R. W. HAY.

P.S. The Papers enclosed being in original it is requested may be returned.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

LONDON, 26 May 1826.

MY LORD,—I have read the Report of the Commissioners of Inquiry upon the subject of the Petition of Mr. Bishop Burnett, which Your Lordship directed to be communicated to me.

I regret that there has not been time to admit of my entering into a detailed Examination of the Voluminous Appendix attached to that Report; but I am not aware that this circumstance is of any material importance as respects the Gravamen of the Charges brought by the Petitioner against the Governor and other Persons holding high Civil Situations at the Cape.

I have only to observe that on referring what I must regard as the libellous Memorial of Mr. B. Burnett to the Fiscal to be dealt with according to that Colonial Law which as Governor I had sworn to administer, I considered (as I now consider) that I was acting in strict discharge of my public duty, in which I am supported by the matured opinion of the first legal Authority in the Colony. I have &c.

, (Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 26 May 1826.

SIR,—Having laid before Earl Bathurst your letter of the 22nd instant, I am directed to acquaint you in reply that his Lordship finds upon reference to the Board of Treasury that

there are no funds out of which the expense of sending out the wives and families of Settlers in the Cape of Good Hope can be defrayed, and independent of this circumstance, the very imperfect instructions with which, on leaving the Colony, you appear to have been furnished, and your total inability to give Security for that part of the expense which it was always in his Lordship's contemplation should be borne by the parties most interested, would have rendered it impracticable to carry into execution the project on which you embarked, which although in itself so desirable for the Colony, would require more previous arrangement than you appear to have anticipated. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. L. COOKE.

DOWNING STREET, 26 May 1826.

SIR,—Having laid before the Earl Bathurst your letter of the 22nd instant, I have received his Lordship's directions to acquaint you that he is not informed whether the Lords Commissioners of His Majesty's Treasury have come to any decision on the subject of the several memorials which you have addressed to their Lordships. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LIEUTENANT COLONEL JAMES COCKBURN to (no address).

WOOLWICH, May 26th 1826.

SIR,—I did myself the honor to wait on Lord Bathurst relating to my affairs at the Cape of Good Hope, when his Lordship referred me to you. I married a daughter of the late Mr. Vansittert at the Cape, and in common with the

Vansittert family have some little property in the Orphan Chamber. The Vansittert family were in possession of the Constantia estate at the Cape; on the death of Mr. and Mrs. Vansittert, agreeably to the laws of the colony, the property was sold, and the proceeds invested in the Orphan Chamber by their Guardian (the Fiscal). The rixdollar was then 4s., and lands belonging to the Government were understood to be security for this fund. On the capitulation the funds of the Orphan Chamber were guaranteed by the English Government, and this guarantee has been recognised in many subsequent proclamations. In 1803 the exchange with England rose from 15 per cent to 200. In being obliged to withdraw a part of my property, I have been a considerable sufferer, at giving so high a premium, and Mr. Vansittert, my brother in law, residing in Holland, has lost the greater part of his property. At the present moment I have about six thousand Rixdollars in the Orphan Chamber (the remains of my property) and 5,000 dollars, the interest of many years, on the above sum, and which I have not been able to receive on account of the high premium necessary to remit it to England. By a late order of Council the Rixdollar is now worth only eighteen-pence, which is a considerable loss to us. Under these circumstances, as my case presents an entire different one from that of the Colonists, who have been paying and receiving in Cape currency during its fluctuations, I hope that His Majesty's Government will take my case into consideration, and give me that relief which they may think fit. On Tuesday I sail for Canada to take the command of the artillery. I have &c.

(Signed) JAS. COCKBURN,
Lieutenant Colonel Royal Artillery.

Present State of the Rds. 500,000 Fund, created in 1812, by the issue of Paper Currency to that amount, for the erection of Public Works in various parts of the Colony.

Appropriation.	Amount Advanced.	Principal Repaid.	Interest Paid.	Total received by Government.	Amount still due to the Fund.
For the erection of the public Offices and Court of Justice in Cape Town . Rds. }	104,072 - 3	—	—	—	104,072 - 3
For constructing Reservoirs and laying down Water-pipes in Cape Town . }	135,271 6 3	135,271 6 3	—	135,271 6 3	—
For 25 shares in the "Commercial Exchange," subscribed by the Colonial Government . }	12,500 -	—	—	—	12,500 -
For the purchase of the Granary in Cape Town	77,835 - 2	38,917 4 -	21,015 3 1	59,932 7 1	17,902 1 1
For the purchase of the Town Somerset Hospital . }	20,000 -	—	—	—	20,000 -
For the erection of a Church at Simon's Town	24,046 6 -	—	—	—	24,046 6 -
For the erection of public Buildings in the District of Swellendam . . . }	57,247 5 2	10,218 -	19,671 6 4	29,889 6 4	27,357 6 4
Ditto, ditto, George . . . }	90,999 5 2	22,666 5 2	20,503 2 4	43,170 -	47,829 5 2
Ditto, ditto, Graaff Reinet . . . }	10,000 -	—	—	—	10,000 -
Ditto, ditto, Beaufort . . . }	10,000 -	—	—	—	10,000 -
Ditto, ditto, Uitenhage . . . }	31,110 -	23,590 -	6,730 1 -	30,320 1 -	789 7 -
For the purchase of Land for the site of the Town of Worcester . . . }	46,666 5 -	—	—	—	46,666 5 -
<i>Rds.</i>	*619,749 5 -	230,663 7 5	67,920 5 3	298,584 5 2	321,164 7 4

* This total includes sums re-issued from the principal refunded.

Amount advanced	Rds.	619,749	5	-
Principal repaid		230,663	7	5
Principal still due	Rds.	389,085	5	1
Applicable to the purposes of the Discount Bank		95,914	2	5
Unredeemed	Rds.	485,000	-	-
Burnt in 1814		15,000	-	-
FUND	Rds.	500,000	-	-

This Account has been drawn up from the Returns furnished by the Bank to the Commissioners of Inquiry.

CAPE OF GOOD HOPE, 27th May 1826.

(Signed) JOHN GREGORY, Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET, LONDON, 29th May 1826.

SIR,—In reply to your letter under date 26th instant, I have the honor to state to you, for the information of Earl Bathurst, that in the year 1819 I directed the Commanding Royal Engineer to employ the Officers in his Department to make a Survey of the Colony of the Cape of Good Hope, which was immediately commenced. After my return to the Colony (1st of December 1821) the Commanding Royal Engineer reported to me that during my absence in England, viz. 13th December 1820, he received instructions from the Acting Governor Lt. General Sir Rufane Shawe Donkin to charge in the Annual Estimates of the Royal Engineer Department the Sum of £300 Sterling. The Estimate in which this item was included having been approved by the Lords Commissioners of His Majesty's Treasury, the Survey was enabled to be carried on much more rapidly by the employment (under the Commanding Royal Engineer) of competent Surveyors who happened to be in the Colony, and this item was continued to be included in the Annual Estimates for the four succeeding Years; but in consequence of the transfer of Expences of the Royal Engineer Department on foreign Stations in 1824 from the Treasury to the Ordnance

and of a regulation of the latter Department not to admit of any charges (except under Special Authority) not relating to "Works or Repairs," the Inspector General of Fortifications objected to the Item. I therefore on the 19th of January last addressed a letter on the subject to Geo. Harrison, Esq., trusting that the explanation given would have removed the obstacle to the Annual charge for this Service being continued.

I am not able without a reference to the Royal Engineer Department precisely to say what progress has been made in the Survey, but at present from the paucity of Officers of the Royal Engineer Department on the Station and from the item for this Service, heretofore included in the Annual Estimates, being withheld (from which circumstance no extra Surveyors can be employed) the measure is now almost entirely arrested.

I beg leave to add that it has never been the intention to expend more of the £300 than the extra expenditure caused by prosecuting the Survey should require. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. The papers enclosed in your Letter are herewith returned as desired.—C. H. S.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY, 29th May 1826.

MY DEAR HAY,—I cannot conceive what Sir Richard Plasket can possibly mean by the "Official Records of the British Government" being carried away at the evacuation of the Colony in 1803. I was not only there during *all* the governments, but had a pretty active share in every thing that was going on in all of them, with the exception of that under the poor old creature Sir George Yonge, whose administration was not very creditable to the British name and character; but at the evacuation, in particular, I was one of the commissioners appointed to give up the Colony to the Dutch authorities, and I can take upon me to say that they were put in full possession of all the departments with papers, accounts, etc. just as they

stood under the administration of the British. I know too that General Francis Dundas, the then Governor, took no papers away but his own letter books and copies of our correspondence with the Dutch authorities respecting the valuation of stores, etc. which were given up to them at the surrender of the Colony, and which I have no doubt must be found both at the Cape (that is to say, the originals) and in your office. Whatever may therefore be wanting, if any be deficient, must have been removed or destroyed by the Dutch to whom we surrendered the Colony.

If Sir Richard will state the nature of the Records that appear to be wanting I might perhaps be able to throw some light on the subject, as I believe that few transactions took place in the Colony from the year 1796 to 1803 inclusive, with which I am not more or less acquainted. I am etc.

(Signed) JOHN BARROW.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 29th May 1826.

SIR,—I have had the honor to receive your letter of the 20th January last, and I beg leave in reply to acquaint you that the *Government Gazette* with six printed copies of each Ordinance promulgated here have been regularly sent to the address of Mr. Wilmot Horton since July 1825, and that Mr. Greig's weekly papers have also been sent regularly to the same address since the date of his resuming the publication thereof, and that I shall make the necessary arrangement henceforth for adding to these papers the *South African Chronicle*, a weekly paper published by Mr. Bridekirk, and of which I now forward a set from the 1st of the present year. The whole will in future be made up and put into the Post Office every Saturday.

I have etc.

(Signed) RICHD. PLASKET.

[Copy.]

No. 18 G. R. (Signed) Richd. Bourke.

*Ordinance of His Honor the Lieutenant-Governor in Council,
For separating the Jurisdiction of the Commissioner of the
Court of Justice, to be appointed to take Cognizance of all
Matters set forth in the 3rd Section of the Crown Trial, from
the Duties of the other Members of the Court, and making
his Office Permanent ; and for the further Regulation of the
Duties to be performed by the said Commissioner.*

Whereas from the increase of Population in Cape Town and its Vicinity, it has been found necessary to establish an Executive Police therein ; And whereas it is expedient, in order to give effect to that Establishment, and for the speedier Administration of Justice, that a Magistrate should be in daily attendance, to take cognizance of all such Matters, and to dispose, according to Law, of all such Persons as shall be brought before him by the Police as aforesaid : And whereas there are monthly Commissioners from the Court of Justice, appointed in rotation, for the dispatch of Business in Cape Town and within the jurisdiction thereof, one of whom it is expedient to make permanent for the purposes aforesaid—It is therefore hereby enacted :

1st. That it shall and may be lawful for the Governor, for the time being, of this Colony, with the approval of His Majesty, through one of His Principal Secretaries of State, to declare and appoint one of the Members of the Court of Justice to be a Permanent Sitting Commissioner, and that such Commissioner so to be appointed shall not be relieved in monthly rotation with the other Members, as set forth in the Crown Trial, but shall continue to sit apart in an Office to be provided for him, and shall discharge such of the Duties now performed by one Sitting Commissioner, as are hereinafter expressed, subject to such Alterations and Provisions as are hereinafter enacted, and with liberty to take his Seat in the Full Court when required by the Chief Justice, or when convenient for him so to do ;

save and except in Cases of Appeal from Sentences passed by himself—in which Cases it shall not be lawful for the Sitting Commissioner to attend the voting or the deliberations of the Court.

2nd. And it is hereby enacted, That the Sitting Commissioner appointed as aforesaid, shall take cognizance of all Matters set forth in the 3rd Section of the Crown Trial Articles, Nos. 91 and 92, as subject in Cape Town and the jurisdiction thereof to the decision of one Commissioner from the Court of Justice ; That is to say—“ All Misdemeanors, which are not subject to a more severe Punishment than Correction in the Public Prison, Temporary Imprisonment, Fines, and Confiscations, in those cases where the Law has positively prescribed the same, and all Transgressions of Penal Law, relative to the Public Revenue and Police. All complaints of Masters of Ships against their Seamen,—of Tradesmen and others against their Apprentices,—of Masters against their Servants, whether Freemen or Slaves, and *vice versa* ; and further, all complaints of Parents against their Children ; and, in general, all complaints lodged with the Magistrate, not capable of amicable arrangement, or in which the Magistrate shall not be able to effect an amicable arrangement between the Parties, and in which cases the Public Interest requires that the Party complained of should receive a correction proportionate to the Misdemeanor.”

3rd. And it is hereby enacted, That the Superintendant of Police, or, in his necessary absence, his Deputy, shall act as Public Prosecutor before the Sitting Commissioner ; and the Proceedings before him shall be conducted, and Appeals from his Sentences shall be lodged and proceeded in, in the manner set forth in the 3rd and 4th Sections of the Crown Trial, with respect to Cases subject to the cognizance of One Commissioner from the Court of Justice, or in such other more summary manner as the Sitting Commissioner, with the approval of the Court of Justice, and of the Governor, for the time being, in Council, shall hereafter direct ; provided always, that no Appeal shall be allowed in cases where the Fine shall not exceed £5, or the period of imprisonment One Month.

4th. And it is hereby enacted, That all Persons apprehended by the Police in Cape Town, and the jurisdiction thereof, by Virtue of any Decree, Warrant, or otherwise, shall be brought

with all convenient speed before the said Commissioner, whether at his Office or private dwelling, to be dealt with according to Law ; and all Persons taken up at night, for Riot, Drunkenness, Vagrancy, suspicion of Criminal Designs, or otherwise apprehended by Virtue of any Law now existing, or hereafter to be enacted in this Colony, and lodged by the Police or Watchmen, in any Prison or Watch-House in Cape Town, or within the jurisdiction thereof, shall be brought before the said Commissioner, immediately on the opening of his Office the next morning ; and the Commissioner shall proceed forthwith to examine all such Persons, and shall decide in their respective cases according to Law, and shall, if necessary, commit them to Prison, or hold them to Bail for Trial on a future day, or for further examination, or shall discharge them, as to him shall seem fit ; provided always, that any Person so committed for further examination, shall within six days from the time when such Person was first brought before the said Commissioner, be either tried or fully committed for Trial, or held to Bail, or altogether discharged ; and provided always, that if there shall be brought before the said Commissioner, any Person or Persons accused of any Crime, the investigation of which is not by this Ordinance assigned to him, but whom he shall nevertheless, upon grounds which shall appear to him sufficient, think fit, to commit to Prison for examination before the competent Court, and which, in such cases, he is hereby authorised and required to do, he shall forthwith give notice of such committal to His Majesty's Fiscal, who is hereby required to take such further measures therein as the Law may direct ; and provided, further, that if any Persons shall be apprehended and lodged in any Prison or Watch-House in Cape Town, or the jurisdiction thereof, in the manner herein before described, on the night of Saturday, or in the night preceding any Holiday on which the said Commissioner does not sit at his Office, it shall and may be lawful for him, and he is hereby required, to cause such Persons to be brought before him at an early hour of the next morning, either at his Private Dwelling, or at the Prison or Watch-House, as to him may seem fit, and after a summary examination of such Persons, to commit them until the next ensuing Court Day, or hold them to Bail, or discharge them as the case may require.

5th. And the said Commissioner is hereby authorised and required, to direct the Accuser or Prosecutor (not being the Public Prosecutor) of any Person whom he shall commit, or hold to Bail for Trial as aforesaid, as likewise any Witness, who, having been examined before the said Commissioner, has given evidence which, in his opinion, may tend to the conviction of the Accused, to enter severally into a Recognizance, to prosecute or give Evidence, in such amount as the said Commissioner shall think fit, not exceeding the Sum of Twenty Pounds; and in case of refusal so to do, to commit the said Accuser, or Witness, to Prison, for a period not exceeding Two Months.

6th. And it is hereby further enacted, That no Person shall, in any instance, be kept or detained in Confinement by the Police in Cape Town, or within the jurisdiction thereof, for a longer period than Twenty-four Hours, under any circumstance or pretence whatsoever, without being brought before the Sitting Commissioner, or other competent Magistrate, to be dealt with according to Law, as aforesaid: And the Sitting Commissioner is hereby authorised and required to examine into any Complaint that may be made before him, of any Person or Persons detained in Custody by the Officers of Police for a longer period than Twenty-four Hours, without being brought up as aforesaid, or into any Complaints of vexatious or frivolous Arrest by the same, and to punish the Offenders by Fine not exceeding Five Pounds, or Imprisonment not exceeding Two Months, as to him shall seem fit.

7th. And it is hereby enacted, That the Sitting Commissioner shall further have the Power heretofore exercised by His Majesty's Fiscal, under the 95th Article of the Crown Trial, Section 3rd, of binding over to keep the Peace, in the mode pointed out by that and the following Articles, all such Persons whom he may have reason, upon information on Oath, as therein specified, to suspect of future Misbehaviour tending to a Breach of the Peace, within the jurisdiction assigned to him:

8th. Provided always, and be it also enacted, That if any Person, in consequence of an Order of the Sitting Commissioner, binding him or her over to keep the Peace, feels aggrieved by unjust Suspicion, or by the nature or extent of the Security required, or by Committal in default thereof, it shall be lawful

for such Person to make application by Memorial to the Court of Justice, setting forth his or her Grievances, and requesting the Court to rescind or mitigate the Order of the Sitting Commissioner—on the receipt of which, the Court shall, after due investigation, decide therein as to the Court shall seem meet ; provided always, that the Order of the Sitting Commissioner shall remain in full force and effect until rescinded or mitigated by the Court.

9th. And whereas one of the Sitting Commissioners from the Court of Justice is empowered by the 7th Article of the Ordinance of His Excellency the Governor in Council, No. 12, of the 10th October, 1825, to administer Oaths, and to take voluntary Affidavits, it is hereby enacted, that the permanent Sitting Commissioner shall have, and he is hereby authorised and required to exercise a similar Power.

10th. And it is further enacted, That the permanent Sitting Commissioner shall sit daily, (Sundays and Government Holidays excepted), from 10 o'clock a.m. until 4 o'clock p.m. unless prevented by sickness or other unavoidable cause ; and in case of such necessary absence of the Sitting Commissioner, it shall be lawful for the Governor, for the time being, of this Colony, to nominate some fit and proper Person to act for him, in the execution of the Powers and Authorities with which the said Sitting Commissioner is hereby invested : and in case of any sudden emergency, when reference to the Governor as aforesaid cannot conveniently be made, it shall and may be lawful for another Member of the Court of Justice to discharge the Duties of the permanent Sitting Commissioner, for a period not exceeding three days at any one time.

11th. And it is further enacted, That nothing herein contained shall supersede the appointment of the two Sitting Commissioners from the Court of Justice, as regulated by the Crown Trial, nor the discharge by them of any of their Duties, whether sitting separately or together ; save and except those Duties which are hereby transferred to the permanent Sitting Commissioner.

12th. And be it further enacted, That this Ordinance shall take effect, and be in force, in Fourteen Days from and after the date hereof.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 29th Day of May, 1826.

By Command of His Honor the Lieutenant-Governor,
(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,
(Signed) D. M. PERCEVAL, Clerk of the Council.

[Office Copy.]

Letter from EARL BATHURST *to* MAJOR GENERAL BOURKE.

DOWNING STREET, LONDON, 30 *May* 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 1 under date of the 7 of March last, announcing that you had assumed the Government of the Cape of Good Hope.

In conformity with the arrangements which you have concerted with the Governor, I shall give directions for the issue of the Private Secretary's Salary to Lieutenant Rutherfordord until the 1st of September next, after which period such Salary will be at the disposal of any person whom you may appoint to be your Private Secretary.

I consider it necessary, however, to apprise you that in your capacity of Lieutenant Governor, you are not entitled to attach a Colonial Aide de Camp to your person ; although it has for the present been settled that the Colonial Treasury shall be charged with the payment of the ordinary allowances of the Military Aide de Camp, who attends you as Major General on the Staff. At the same time it will be for you to select any individual whom you may think proper to appoint as Colonial Aide de Camp on the Governor's Establishment, so long as you shall administer the Government. But I cannot approve that there should be two. There are none on the Establishment of Ceylon ; one only is allowed to the Governor of

Mauritius ; and I was not aware until I received your dispatch that there had been two officers of this description on the Establishment of the Governor of the Cape. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *May 30th 1826.*

MY LORD,—Referring to my letter of the 29th ultimo I have the honor to enclose for confirmation the Ordinance in Council appointing the Permanent Sitting Commissioner for the trial of certain offences and misdemeanors within the jurisdiction of Cape Town. This Statute will I trust enable the Police to become efficient, and will tend to the speedier administration of justice in cases which, tho' of minor importance, affect a very large portion of the Community. It has been endeavoured to establish the Magistrate's office as nearly on the English model as the variance between the criminal codes of England and the Colony would permit.

I take the opportunity of bringing under Your Lordship's notice the great difficulty which is experienced in getting the Ordinances of Council drawn up in technical and precise terms ; more especially those which, like the present, have to detail any legal process and inflict penalties. As it is the wish of His Majesty's Government that without the introduction of any new code of laws, the practice of the Courts of this Colony should be brought as near as possible to the English standard, it becomes important that the Ordinances should be drawn up as much as circumstances will permit in the statutable language of England, and at all events in clear and precise terms. The Proclamations of the Dutch Governors and many of much later date are so loosely drawn that considerable litigation is the unavoidable consequence, and this may be expected to increase as the Colony becomes more English, and the people disposed to look more at the language of the Statute than to the will of the Governor for the rule of their conduct. His Majesty's Fiscal is certainly not capable of drawing up

Ordinances in the English language with sufficient accuracy, and has frequently made application for an English Clerk. But an appointment of this kind would hardly answer the purpose, and I am bound to say that without a respectable English Lawyer as its legal adviser, it will be impossible for this Government to get the Ordinances thro' Council in a creditable or satisfactory form. There is at present but one English Lawyer to my knowledge in the Colony, Mr. Kekewich, Judge of the Vice Admiralty Court, to whom, as having little or nothing to do in his Court, and deriving a large salary from the Colony, I proposed the task of putting the Government minutes into a statutable shape. This would have relieved the Colonial Secretary and me from considerable labour, of a kind to which I profess myself totally unequal. Mr. Kekewich has however declined to afford his assistance but in a way which would neither have diminished the labour of Government nor secured the accuracy of the Statute.

I have troubled Your Lordship with this representation in the hope that measures may be taken for supplying the deficiency which I have vainly endeavoured to fill up, by the early appointment of an English Procurator Fiscal to whom should be committed the charge of preparing drafts of Ordinances, or by such other means as Your Lordship may deem most advisable. The subject is one of great importance to the Colony, and in my humble opinion calls for immediate consideration. I have &c.

(Signed) RICHD. BOURKE.

Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 30th May 1826.

SIR,—I have had the honor to receive your letter of the 1st February last, enclosing to me for the purpose of being laid before His Excellency Lord Charles Somerset, copy of a letter which Earl Bathurst had addressed to Mr. D'Escury after having received the Report of His Majesty's Commissioners of Inquiry on the subject of a representation preferred

against His Excellency by that gentleman, together with copy of Mr. D'Escury's reply to the letter which Earl Bathurst addressed to him.

I regret that Lord Charles's departure has prevented my submitting these documents to him and explaining the cause of the former documents not having been earlier transmitted ; but I conclude His Lordship will have an opportunity of seeing them in England. I have etc.

(Signed) RICHD. PLASKET.

[Original.]

Letter from MR. WILLIAM BEDDY to EARL BATHURST.

NAG ABBEY STREET, DUBLIN, 30th May 1826.

MY LORD,—I have the honour of acknowledging your Lordship's reply (through Mr. Hay) of the 26th Ultimo, in which you were pleased to say you would defer the consideration of my application until you had an opportunity of communicating with His Excellency the Governor of the Cape of Good Hope, whose arrival was expected at no very distant period, on the subject.

Having ascertained from the public journals that his Excellency hath arrived some time since (about a fortnight), permit me to entreat (I trust your Lordship will not consider me premature in doing so) that you will not suffer the pressure of public business to efface from your recollection the statement I had then the honour of laying before you. I am &c.

(Signed) WILLIAM BEDDY.

[Original.]

Letter from MR. JAMES THOMAS ERITH to EARL BATHURST.

NO. 2 BARDEN PLACE, PECKHAM,
SURREY, May 30th 1826.

MY LORD,—I have the honor to enclose the Official Documents which your Lordship was pleased to call for in your answer of the 13th Instant.

I take the liberty of again entreating your Lordship's consideration in the behalf of my Family, who during the Interval are most serious sufferers. I have &c.

(Signed) JAMES THOMAS ERITH.

(All the enclosures in the above have already appeared.)

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *May 31st 1826.*

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch No. 224 of the 30th November last, delivered by Lieutenant Bance, R.N., and to inform Your Lordship that I have directed him to be gazetted as Port Captain *vice* Blair resigned.

In explaining to Mr. Blair Your Lordship's instructions concerning him, as expressed in Your Lordship's despatch of the 6th October last, No. 199, I informed him that there was not at present any appointment vacant to which I could recommend Your Lordship to name him with the view of indemnifying him for the loss of £300 per annum which he incurs by the late arrangement. Nor am I aware that any appointment to this amount, which Mr. Blair could hold with his office of Collector of Customs, is likely to become vacant. I have therefore directed that he is to continue to be borne on the Port Establishment as retired Port Captain with an allowance of £200 per annum (being the residue of his former salary of £500 per annum after deducting £300 per annum to be paid to the actual Captain) until I am honored with further instructions from Your Lordship. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 31st May 1826.

SIR,—I have had the honor to receive your letter of the 10th February last with its enclosure, being copy of a letter addressed by you to Mr. Thomas Pringle in reply to the complaints of that Individual, and I have submitted the same to the Lieutenant Governor in the absence of Lord Charles Somerset, and have drawn His Honor's attention to the concluding paragraph thereof; but as Mr. Pringle has lately left this Colony on his way to England, His Honor can of course not enter upon the subject at present. I have etc.

(Signed) RICHD. PLASKET,

[Original.]

Letter from MR. ABRAHAM BORRADAILE *to* R. W. HAY, ESQRE.

NO. 25 ROOD LANE, 31st May 1826.

SIR,—From the information you were good enough to give me on the 20th Inst. I was in hopes to have received the promised *written* communication on the subject of the Cape Colonial Currency, and as I find H.M.S. *Success* is to sail from Plymouth on Sunday for the Cape, may I be permitted to enquire, for the information of those connected with the Trade of the Colony, whether she is to be the bearer of the official communication stating the adherence of His Majesty's Government to the *present system*, as further arrivals from that quarter since I had the honor of seeing you tend still more strongly to shew the absolute necessity of such decision being promulgated by authority without loss of time.

I use the freedom at the same time to subjoin an Extract of a letter received from the Committee of Merchants in Cape Town, and trust it will receive the favourable attention of His Majesty's Government as early as possible. I have &c.

(Signed) ABRAHAM BORRADAILE,

Chairman of the Cape of Good Hope Trade Committee.

[Enclosure in the above.]

Extract of a Letter received from the Committee of Merchants in Cape Town, dated Cape Town, 27th February 1826.

The Commissariat has lately issued Spanish Dollars to the Troops at 4s. 4d. each, but as they are not receivable in any of the Public Departments they are consequently not worth so much, being only an article of Trade subject to the charges of purchase and sale which of course must be lost to the soldier, and the measure is viewed with much apprehension as indicating the inability of Government to keep up their sterling payments.

We fully expected the Government would have kept the Colony punctually supplied;—while on this subject I may mention that by the alteration in the Currency great inconvenience and loss has been sustained by the small Traders from the insufficient amount of halfpence and farthings which have been sent out, and which though previously unknown are now perpetually wanted in converting the two denominations. Our smallest coin was the *penny* piece, which under the name of *doublejee* passed for the twenty-fourth part of a rixdollar without reference to the *existing rate of exchange*, this piece has now increased in value 33 per cent.

Our smaller denominations of money are a Doublejee, value three farthings, a skilling value twopence farthing, two skillings value fourpence halfpenny, and so on. This inconvenience does not of course affect the merchant, but we take leave on behalf of the small shopkeepers to solicit your attention to this subject in any interview you may have with the ministers. One or two hundred pounds worth would suffice.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 1st 1826.*

MY LORD,—Referring to my letter of the 29th April last, No. 17, in which I stated to Your Lordship that I would take the earliest opportunity of recommending Mr. W. C. van

Ryneveld, late Superintendent of Police, for an appointment equivalent to that which he lost by the nomination of Mr. De Lorentz, I have now the honor to inform Your Lordship that the office of District Secretary at Worcester having become vacant by the removal of Mr. P. G. Poggenpoel as directed in Your Lordship's despatch of the 17th January last, I have offered the appointment to Mr. Van Ryneveld. I have not yet received this gentleman's answer, but as the emoluments are considerably more than those which he lately lost I have no doubt he will thankfully accept the employment. At all events the Colony will be relieved from any further charge on his account as late Superintendent of Police, a circumstance of which I am anxious Your Lordship should be informed by the Mail now closing for England. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

48 LOWER GROSVENOR STREET,
LONDON, 2nd June 1826.

MY Lord,—Your Lordship's Despatch of the 20th of May 1825 reached me at the Cape of Good Hope on the 6th of November last, and it was with much and deep regret that I perceived that your Lordship has imbibed a most erroneous impression of the *real Facts* of the subject of it. Under this conviction I have delayed to reply to your Lordship's Despatch until my return to this Country, in the hope that your Lordship would allow me a perusal of the Report of His Majesty's Commissioners of Inquiry on the subject of Mr. D'Escury's misrepresentations. I shall at present only add that I have perceived with much pain from some expressions used by your Lordship, that you are impressed with a belief that I undertook the importation of English Breeding Horses to the Cape to reap some sordid advantage therefrom. I not only disclaim such an insinuation in the broadest manner, but confidently assert that I undertook it solely with a view of benefiting the

Colony (which being an entire grazing Country, the improvement of its Cattle is a matter of the first importance) and I have it also in my power to place before your Lordship the most irrefragable proof, that I have suffered a very extensive pecuniary Loss (upwards of £3,000 sterling) in this undertaking, that there is not a purchaser who does not express his gratitude for the advantages he has derived from his purchase, and that the measure has been of most extensive benefit to the Colony.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

CAPE OF GOOD HOPE, *June 2nd 1826.*

MY LORD,—I have the Honor to transmit to your Lordship the General Monthly Return of the Forces serving on this Station to the 25th May 1826. I have &c.

(Signed) RICH'D. BOURKE, M. General.

[Original.]

Letter from CAPTAIN THOMAS BUTLER to (no address).

LOCATION NEAR GRAHAMSTOWN, *2nd June 1826.*

SIR,—Having already experienced your kindness, I once more take the liberty (with reluctance) of intruding on your precious time. I wrote to Lord Bathurst by the last post requesting His Lordship to allow me to proceed to Ireland (at my own expence) to bring out another party of my turbulent countrymen on such terms as the Government might think proper and to remunerate me for my time and trouble. These people I should wish to bring to Grahamstown where labour is very dear and where there is a great want of labourers and artisans. I have established my two sons here who are quite equal to

the care of the place, but being heavily in debt on account of the failure of the crops and having so many people to support, I think by this step I should be enabled to pay all and leave this place unincumbered to my sons, which has been always my great object. If you would have the goodness to communicate with Lord Bathurst on this subject on my behalf it would serve me most materially. I am certain of getting plenty of people in the neighbourhood I came from, many of their relatives being settled here already. Pray excuse all this trouble.

I have &c.

(Signed) THOMAS BUTLER.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.

DOWNING STREET, 3 June 1826.

SIR,—Having laid before Earl Bathurst your letter of the 23rd ultimo, enclosing a correspondence which has passed between the Governor of the Cape and the Commanding Royal Engineer on that station with respect to the mode of providing for the expenditure attendant on the Military Survey of the Colony, I am directed by his Lordship to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that in his opinion there is no urgent necessity for the execution of this service and that all disbursements on that Account should be suspended. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 5th June 1826.

MY LORD,—I have received the directions of Earl Bathurst to transmit herewith for your Excellency's consideration a memorial which has been received from James Thomas Erith,

complaining of various grievances which he alleges to have sustained at the Cape of Good Hope.

I likewise enclose a copy of a communication which I have by his Lordship's direction addressed to Mr. Erith, together with certain original documents which that Individual has transmitted to this department in corroboration of his complaints ; and I am to request that your Excellency will transmit to his Lordship any observations which you may be desirous of offering upon the several topics of grievance set forth in Mr. Erith's papers. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5 June 1826.

MY DEAR LORD,—I beg leave to enclose for your Lordship's consideration a Report from the Commissioners of Enquiry, recommending the imposition of a tax on Slaves ; and I shall be glad to be favoured with any observations which it may occur to you to make upon the subject. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT-COLONEL COCKBURN.

DOWNING STREET, 5 June 1826.

SIR,—I have laid before Earl Bathurst your letter of the 26th ultimo in which you claim to be remunerated for certain losses which you have experienced in consequence of the depreciation of the Currency at the Cape of Good Hope ; and I am directed to acquaint you in reply that his Lordship cannot hold out to you any expectation of relief in regard to that part of your property which is vested in the Orphan Chamber, and which

you have had the opportunity of bringing over to England ; and in regard to the remainder your case will be taken into consideration with that of others at the proper period.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. WILLIAM SHEPHERD to R. W. HAY, ESQRE.

CROWN COURT, OLD BROAD STREET, *June 5th 1826.*

SIR,—I have to acknowledge the receipt of your letter of the 26th Ultimo, and feel extremely sorry for the parties concerned that so much should have been done and such expectations raised in the minds of those persons before it was ascertained that there was no funds in the Treasury out of which the expence could be defrayed, which is a source of great disappointment to the parties interested, and so far from being totally unable to give security, I am provided with the money to a certain extent, and waited to know what the Solicitor of the Treasury (to whom I was to be referred on delivering the list of names according to your letter of the Instant) required as to the amount of each person's expence and for the security required, that I might consider how far I could undertake with safety to myself for the other part, the expence of which with the arrangements would be no way great to His Majesty's Government, tho' important for an individual to be responsible for, but provided nothing more can be done for these persons, I shall trouble his Lordship no further than to say that I was not deputed by any person at the settlement, but took up their cause at the anxious desire of the people from a sense of their necessities and the desire of benefiting the Colony, which I should feel pleasure in serving in an object so much desired.

I am &c.

(Signed) W. SHEPHERD.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to MR. THOMAS WILLSON.

DOWNING STREET, 6 June 1826.

SIR,—In acknowledging the receipt of your letters of the 15th May and 2nd June, I am directed by Earl Bathurst to inform you that his Lordship can only repeat the several answers which have been already returned to the repetitions of your application to receive back certain parts of your Deposit Money, notwithstanding you were perfectly aware that if you drew Rations for your party from the Government Stores that Deposit Money would be considered as pledged for the value of such provisions as far as its amount would defray their prime Cost; and I am at the same time definitively to acquaint you that for the reasons set forth in the Letter above referred to, his Lordship cannot depart from a Decision given upon a careful examination into your case.

With regard to your request, founded on a passage in my Letter of the 14th ultimo, that orders may be sent to the Colonial Government to complete the Title to the lands on which you were located, I am directed to refer you to that in which it is stated that His Majesty's Government have no intention to resume possession of those lands under the conditions of 1819 if the Colonial Government is satisfied with the reality of the Agency of the Revd. Mr. Boardman, and to inform you that, with this Intimation, it will remain with you to lay before the local Authorities at the Cape the best evidence you may possess to shew the reality of Mr. Boardman's Agency, and in fact the information given you by this Gentleman that a Grant of 10,000 Acres had been made, appears to be a proof of their having been satisfied with the nature of his agency.

I am &c.

(Signed) R. WILMOT HORTON.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. BEDDY, ESQRE.

DOWNING STREET, LONDON, 6 June 1826.

SIR,—I am directed by the Earl Bathurst to acknowledge the receipt of your letter of the 30th ultimo and to acquaint you in reply that his Lordship has not yet communicated with the Governor of the Cape on the subject of your application, but that he will not fail to take an early opportunity of doing so. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the Orphan Chamber to the Commissioners of Enquiry.

ORPHAN CHAMBER, 6th June 1826.

GENTLEMEN,—We have had the honor to receive your letter of the 29th ultimo, making various enquiries bearing upon the claim due to Government out of the Estate of the late Mr. Bresler.

In compliance with the wish therein expressed, we do ourselves the honor to transmit to you herewith a copy of the correspondence that has taken place between the Board and the Colonial Government upon the subject of the claim adverted to, from which you will perceive the manner in which the Board proposed the settlement of the same. With reference to the approximate statement of the Estate forwarded to you on the 28th June 1825, we take the liberty of stating that as the estate of the late Mr. Bresler appeared fully sufficient to meet the claims against it (the greatest proportion having already been settled) there was no reason to take the right of preference or concurrence into consideration.

At the special request of the heirs, the Board has not hurried the payment of the amount claimed by Government into the Colonial Treasury, because the heirs had flattered themselves that the circumstances of this unfortunate affair might possibly

be explained, and were desirous of waiting the issue of further enquiry into the matter.

As however all endeavours have failed of obtaining satisfactory information on the subject, the Board has already taken the necessary steps to collect the outstanding demands in behalf of the Estate, so that they may entertain a confident expectation that within three months the amount in question will be paid.

In drawing your particular attention to the contents of the letter addressed to Government of the 15th December last, which is hereto annexed, we trust that the circumstances of the whole of this case to which reference is made will be taken into your favourable consideration, and that such indulgence may be shown to the unfortunate widow and children of the late Mr. Bresler, as may appear to you to be consistent with the public interests. We have &c.

The Board of Orphan Masters.

(Signed) J. A. TRUTER.

By order of said Board.

(Signed) J. J. L. SMUTS.

[Original.]

Petition to EARL BATHURST.

The humble Petition of the undersigned Mechanics and labourers
praying to be sent to their Parents and relatives at Graham's
Town, Colony of the Cape of Good Hope.

To the Right Honorable Earl Bathurst.

MY LORD,—We the undersigned beg to lay before your Lordship our humble Petition. Your Petitioners all of us have parents and relatives about the settlement of Grahams Town Cape of Good Hope and were instructed by our relatives to apply to a Mr. William Shepherd who has arrived from that place to intercede with your Honorable Government for us to be sent out on our application to Mr. Shepherd he made known to us he had applied to your Lordship and by an Official

letter dated 27th February informed us that by paying half the expence of our transport your Lordship would send us out, this my Lord we were preparing to do, but were much disappointed at Mr. Shepherd informing us he had received another Official letter dated 29th May by which he is instructed to acquaint us that in consequence of his not offering Security (which we could not expect as most of us are strangers to him) your Lordship has declined his intercession, and that there are no funds in the Treasury for any such purpose that we must pay the whole of our transport which we are unable to do. Your Petitioners beg to state to your Lordship that upon the faith of the under secretary of state's letter dated 27 February to Mr. Shepherd we have put ourselves to great inconvenience by the sale of our goods and articles of furniture in preparation to meet half the expence required for our transport and therefore pray your Lordship will reconsider our case many of us having large families and unable to support them for want of employment.

Your Petitioners feel satisfied with the information given by Mr. Shepherd as to the immediate employment on our arrival in the Colony for ourselves and families and that the price of Provisions there will enable us to support our families by our own labour and industry an object we so much desire but cannot obtain here and as Mr. Shepherd is going to return shortly he has kindly offered to superintend our going out, which from his local knowledge of the country, its resources and conveniences, would be so very desirable, we therefore pray your Lordship will take into consideration the disappointment and distress it will occasion your Petitioners and their families should your Lordship not comply with the promise held out in your Lordship's letter dated 27th February. We beg to acquaint your Lordship we are ready to pay the half of our transport money at any place your Lordship will please to appoint, we pray your Lordship will grant this your Petitioners request, and your Petitioners in duty bound will ever pray.

(Signed) JOHN PASKIN and wife

JOHN PASKIN

GEO. FURBY, wife and 4 children

RICHARD HUMPHREYS, wife and 3 children

WILLIAM STARLING
 KEZIA STARLING
 HENRY YARRINGTON and wife
 FRANCIS CATO and 4 children
 WILLIAM PETT, wife and 7 childrer
 SARAH BURLING
 SARAH DAVSAR (?)
 MARY ANN BIGGS
 HARRIET BIGGS
 ELENOR KIDWELL
 ELIZABETH OSBOURN and 4 children
 ANN LEARY
 ELLEN O'DONNELL
 JEAN O'DONNELL
 SARAH SLATER and child
 SAMUEL PASK
 SARAH SAYERS
 JANE SAYERS
 MARY MARSHALL
 HENRY COOKE and wife
 ELIZA CROWLEY
 ELIZA BROWN
 ELIZA WOOD
 AMELIA MILLIGAN and 4 children
 HUGH NIELAND and wife
 SAMUEL WEBER, wife and 5 children
 WILLIAM PANKIN, wife and 6 children

Place of Meeting, No. 3 Half Moon Court,
 Stanhope Street,
 Clare Market.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 8th 1826.*

MY LORD,—Having in obedience to the instructions contained in your Lordship's despatch of the 17th January last (No. 236) removed Mr. Poggenpoel from the Office of Secretary

to the Worcester District, I received from him the Memorial which I have now the honor to enclose. As I have not had any opportunity of becoming acquainted with Mr. Poggenpoel since my arrival here, your Lordship will I trust excuse my inability to make any observation on the circumstances of his case, further than that his removal was quite unexpected by him, and has I believe completely deranged his affairs.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

To the Right Honorable EARL BATHURST, K.G., His Majesty's
Principal Secretary of State for Colonial Affairs, &c., &c.

The humble petition of Philippus Johannes Poggenpoel, of His Majesty's Colony the Cape of Good Hope, most respectfully sheweth

That your Lordship's petitioner has during a period of one and twenty years been employed in the Civil Service of his native Country. That he was appointed in the year 1805, under the late Dutch Administration, a Clerk in the Colonial Orphan Chamber. That on the 4th September 1818 he was promoted to the situation of Assistant Receiver of Land Revenue with a salary of 1000 Rixdollars, whereby after thirteen years faithful services his income was only encreased with 350 Rixdollars or £26 5s. per annum, the salary of his former situation having been Rixdollars 650. That with regard to the propriety of your Petitioner's official and general conduct in both these situations he most respectfully begs to refer your Lordship to the two annexed certificates from Sir John Truter, the President of the Orphan Board, and Mr. J. J. L. Smuts, late Receiver General of Land Revenue, and present Secretary to the Orphan Chamber.

That Memorialist in his latter capacity had the good fortune, independent of a strict attention to the usual duties of his office, to acquit himself to the satisfaction of the local Government in two special Commissions with which he was entrusted in the years 1819 and 1820, that in the year 1819 consisting in

the immediate collection and purchase of 200 Troop Horses in the dispersed Country Districts on the emergency of the general irruption of the Caffres, in which your Lordship's memorialist can confidently state a saving to the Public Revenue of between 12 and 15,000 Rixdollars was effected, and that in 1820 embracing the superintending and arranging the removal to some part on the Western Coast of such of the British Settlers at Clan William, who were desirous of changing their places of residence for the Albany District. On the discharge of the late Commission Your Lordship's Memorialist was particularly honored with the approbation of the then Acting Governor Sir Rufane Donkin and the late Deputy Colonial Secretary Mr. Ellis, to the testimony of which gentlemen, as being obtainable in England, your Lordship's petitioner ventures to appeal.

That although a prospect of promotion in the service was then graciously held out to the memorialist by the Local Government, an opportunity did however not offer before the year 1823, when your Lordship's memorialist was at length after 18 years services promoted to the situation of Secretary and Venduemaster to the Worcester District, of which the entire emoluments do on an average not exceed 4,000 rixdollars or £300 per annum.

This moderate income your Lordship's memorialist gratefully received as a reward for long and faithful public services, and hailed it with the more delight because after many years of privation it enabled him to settle decently in life, and to become the supporter of his poor and aged parents.

How your Lordship's Memorialist's official conduct has been in his capacity as Secretary and Venduemaster at Worcester might appear to your Lordship's satisfaction from a certificate from the Landdrost and Heemraden of that District, were it not that Memorialist's anxiety to lay his case before the benevolent consideration of your Lordship makes a reference to these gentlemen for the present impossible ; memorialist does however affirm, and by the truth of this affirmation, he is ready to let his case stand in full, that his public conduct in this situation also has been irreproachable.

Under such a conviction then, and circumstanced as memorialist is, how shall he describe to your Lordship the feelings

which have assailed his breast, on receiving the crushing intelligence that by some unknown and most certainly unintentional offence, he has so far incurred His Majesty's displeasure as to have become subject to the removal from any situation he holds under Government, a decision which consigns him, his wife, a girl of a poor but respectable and deserving family, who has hardly been united to him, and his aged and destitute parents to beggary.

The memorialist however is too deeply impressed with a conviction of your Lordship's philanthropy, and has too much confidence in the justice and mercy of our gracious Sovereign, than to despair of a candid reconsideration of his case on a proper representation, in the furtherance of which memorialist humbly begs to appeal in addition to the testimony already referred to by him, to that of His Excellency Lord Charles Somerset, the Governor of this Colony, to Lieutenant Colonel Bird, the late Colonial Secretary, and to Mr. P. G. Brink, the Assistant Colonial Secretary, to whom, as being also at this moment, present in England, the Memorialist beseeches your Lordship to refer as to the truth of the several facts stated in his petition.

And your Lordship's Memorialist as in duty bound shall ever pray.

(Signed) P. POGGENPOEL.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 9th 1826.*

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch No. 225 of the 1st January last, in which your Lordship declines to sanction the salaries allowed by His Excellency Lord C. Somerset to the Wharfmaster of Cape Town and his Clerks without further information as to the nature and extent of their several duties. Being aware from a confidential letter addressed to His Excellency by His Majesty's Commissioners of Inquiry on the 8th January last that the Wharfmaster's Establishment as now constituted had

engaged their attention, and that they proposed to recommend its reduction ; and not being able from any information that I could obtain to lay before Your Lordship sufficient reason for continuing it any longer in its present form, I thought it my duty to take immediate measures for relieving the Colony from the unnecessary expense. I accordingly communicated with the Commissioners of Inquiry on the subject, and at their recommendation propose to place the service required on the Wharf under the direct control of the Customs, discontinuing the office of Wharfmaster, but retaining the two Clerks for whom there may be sufficient employment. The salary of each of these persons having been as low as £54 per annum, I have at the Commissioners' suggestion directed it to be raised to £100. The salary of the Wharfmaster now to be discontinued amounts to £262 10s. per annum, and the saving to the Public by the reduction amounts to £170 10s. annually. This arrangement will take place from the 1st July next. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 9th 1826.*

MY LORD,—I have the honor to transmit the copy of a letter from Mr. Stockenstrom, the Landdrost of Graaff Reinet, in this Colony, representing the very defective state of the prison in that town and containing his proposal for altering the present or building a new one, the latter at the expence of £1400, the former at £800 sterling. The mode by which Mr. Stockenstrom proposes to accomplish either of these works is by contracting for materials, hiring artificers, and employing the labour of convicts under his own direction and occasionally that of the other magistrates residing in town. The reasons for preferring this arrangement to a general contract are to be found at length in the Landdrost's letter, and judging by the very satisfactory report I have had of other works carried on and completed by him in this way, I feel authorized to recom-

mend to your Lordship to acquiesce in Mr. Stockenstrom's proposal and to sanction the expenditure of £800 in making the additions and repairs described in No. 1 of the enclosed plans. From Mr. Stockenstrom's representation I can have no doubt of the necessity of the proposed work, and I feel anxious to gratify the wish of an excellent Magistrate, whose time and thought have been for many years devoted to the improvement of his District. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

GRAAFF REINET, *May 10th 1826.*

SIR,—The state of the Prison in this Town having for a considerable time excited my anxious solicitude, owing to the impossibility of properly securing the prisoners without a degree of caution bordering on cruelty, and of maintaining cleanliness or any sort of prison discipline with subjects such as are principally committed here, (Savages, slaves, or Hottentots), so much addicted to filth and idleness, I brought the subject under the consideration of the Board of Heemraden at their meeting on the 1st Instant, and proposed either considerably to enlarge and improve the criminal or old prison, or to build a new one on a different site altogether. After having given the subject the fullest attention, weighing the state of our funds and resources, and the utmost extent of prison accommodation we can expect to require, we determined in favour of adding to the *old* prison what in the enclosed plan No. 1 is marked in red (the black being the old prison itself) and to keep these buildings entirely for a criminal prison for lodgings for persons sentenced to hard labour and for others who require very safe custody ; next to devote the public buildings at the Southern extremity of the town, (now used for prisoners who do not require such close watching, for the sick and for the convicts who go out to work) exclusively to a prison for debtors or others who from the circumstances and nature of their cases are subjects for indulgence, and in these buildings merely to make the alterations marked in red on the enclosed plan No. 2, in order to separate males from females.

All the abovementioned additions we calculate to be able to accomplish for eight hundred pounds sterling, as per enclosed specific estimate, made out according to the best of our abilities, tho' some of the articles enumerated we hope to procure even at a cheaper rate in these scarce times of capital, as they will be taken only by tender, and you will observe that the principal material (stone) is not brought to account, as I intend to supply that by the labour of convicts.

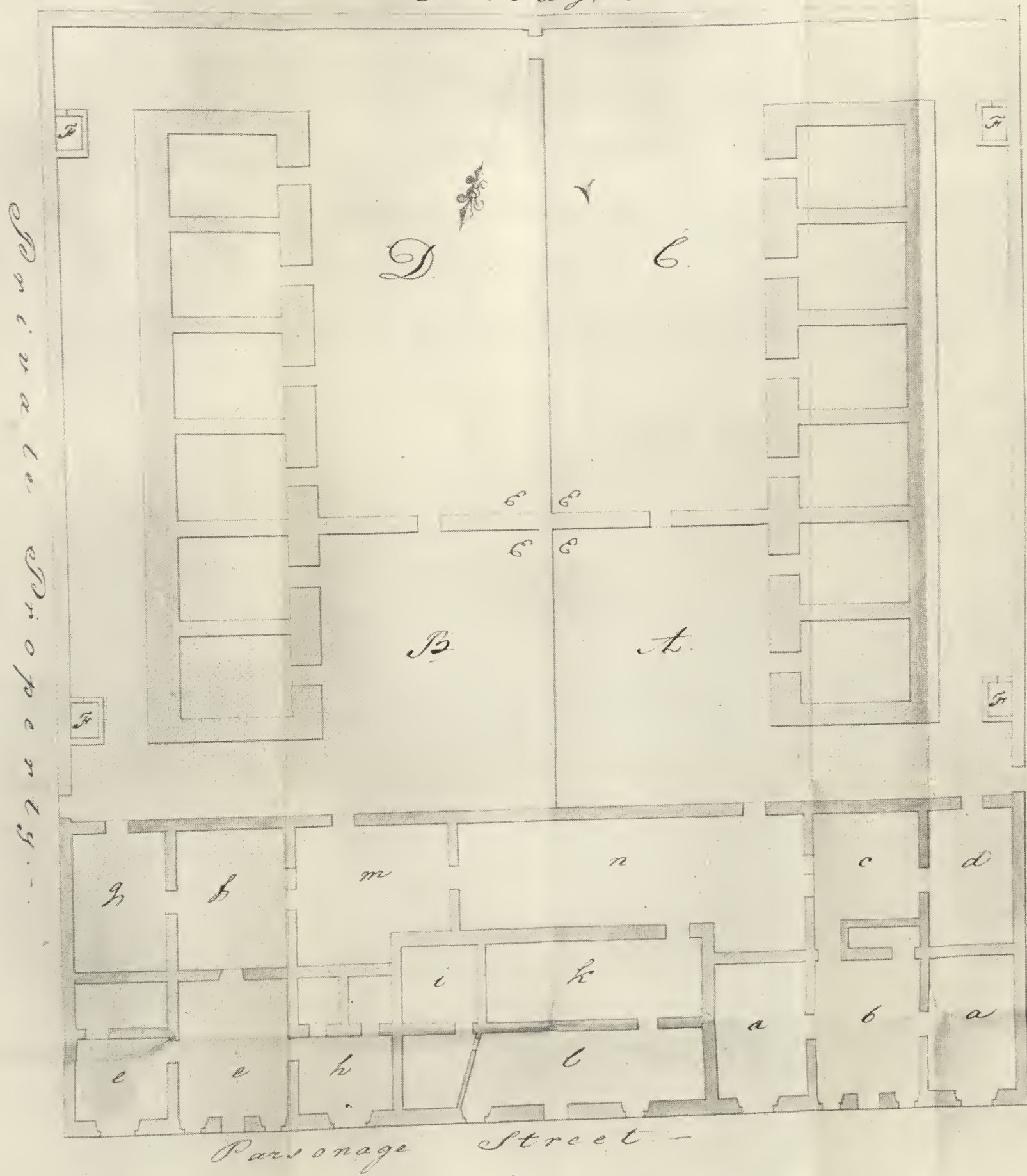
We have however considered it our duty to leave to His Honor the Lieutenant Governor to decide whether a new building altogether would be preferable, and beg leave therefore to enclose Plan No. 3; describing that part of the town in which the old prison is situated, the ground upon which we propose to extend it, its locality relative to adjoining private property, together with an open space at our disposal in case His Honor should determine in favour of a new prison, a decision towards which the Board itself very much inclined, but for the consideration that it would incur an additional expence of *at least* six hundred pounds in building quarters for the Police Servants, which we are on the old site already provided with.

In order however to afford some criterion for His Honor's judgment, I shall subjoin a Return of the prisoners we may calculate on having to accommodate on the long run, taking an average for the last five or six years which the return will not be found to embrace, prisoners for debt, for of such we have never hitherto had one, so that in this respect we must be regulated by guess and our knowledge of the general change of feeling in such matters, and increase of population and trade, still guided by these data we may be certain that the lower prison as per said plan No. 2 will be as much as will be wanted for a great length of time.

The plan of purchasing the materials, and hiring the tradesmen the Board has preferred to taking a Contract for the whole, because the want of competition where good tradesmen are so few in number ensures for the one side only an enormous expenditure, endless law quibbles, and bad work in the end, wherefore the Heemraden living in town have very liberally offered daily to inspect the work carried on under the Overseer, to report every neglect or irregularity, and to guard against

Plan No. 1.

Private Property -
Passage -



Private Property -

Private Property -

Scale of 120 Feet Rhynland Measure.

References describing the old Prison

- | | |
|-----------------------------------|----------------------|
| a a the Under-sheriff's two Rooms | h Prison for Debtors |
| b " " Hall | i " for Women |
| c " " Kitchen | k " " Men |
| d " " Back-yard | l Police Stables |
| ee the Police Constables | m Yard for the Women |
| f " " Kitchen | n " " " men. |
| g " " Back-yard | |

References describing the proposed additions

- A. Yard with two cells for Christian men
 B. " " " " for Christian Women
 C. " " " four cells for lower classes of men
 D. " " " four " " " " " Women.
 E. E. E. E. Cocks of the Water pipes.
 F. F. F. F. Privies

(Signed) J. L. Leeb
 sworn Land-measurer.

A true Copy,

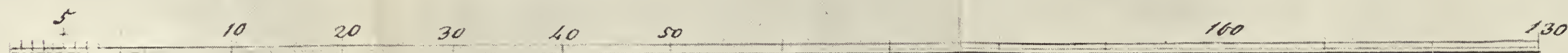
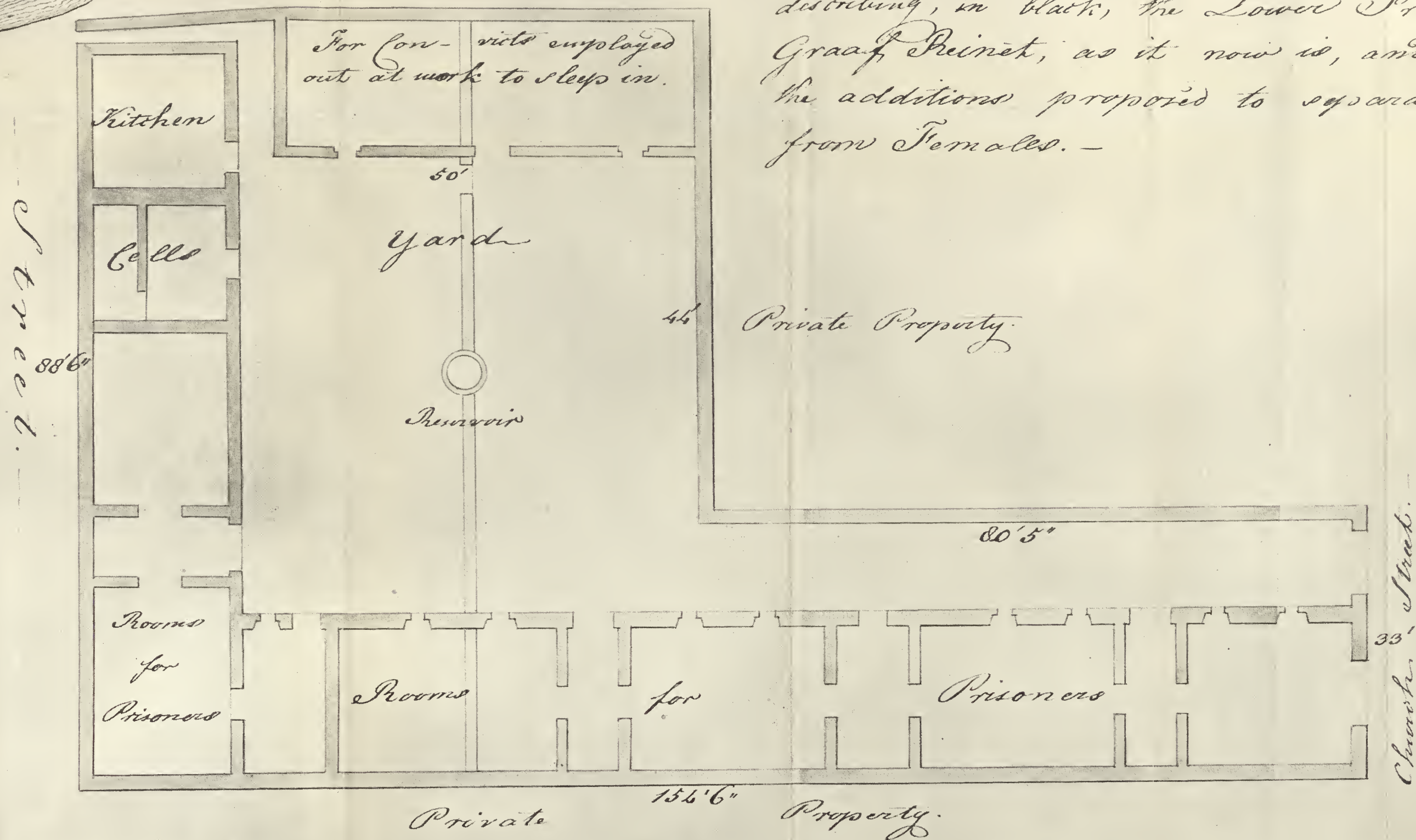
Wm. Leeb
 Just. of the Peace

Page
Dry River

Private Property

Plan N^o 2.

describing, in black, the Lower Prison in
Graaf Reinet, as it now is, and in red,
the additions proposed to separate males
from Females. -



Scale of 140 Feet Rhynland Measure. -

A true Copy
J. Knobel
Govt Surveyor

a. the Underbushs two Rooms
b. " " Hall.
c. " " Kitchen.
d. " " Back yard.
e. The Police Constable.
f. Kitchen.
g. Back Yard.

A. Prison for DeBers
 i. " for Women.
 f. " for Men. --
 C. Police Hoppers.
 m. Yard for the Women.
 n. " for the Men. --

Private properly

Private Property

Somerset Street.

Reservoirs

Signature to the report
was not round the
top.

Public Ground upon which
it is proposed to build the
new Prison, if, that ter-
ritory the old Prison has
not rendered extensive
enough.

Private Property

Private
Property

Private Property

School.

Parsonage Street.

Private

a	b	a	b	c	c
d	c	n	m	f	g

Private Property

Public Ground upon
which the Prison might
be enlarged.

Private Property

Vide Steam B'n I.

Public Ground for dry Ensen

Private Property

Scale of 30 Highland Woods.

(Signed) T. L. Lee
Sworn Land Surveyor

A true Copy,
Witnessed
God: Henry or

every imposition on the public, enabling the Magistrate to dismiss every man in pay who does not do his duty, and thus evidently making it that officer's fault if the work be not done as cheap and as substantially as possible.

There only remains for me to touch on the essential point of labour *in the Prison*. We have never had any done here ; handmills and the preparing (bereiden) of skins are the only things that appear to me capable of being introduced, and would be beneficial particularly for the employment of women, for the control of whom certainly something should be adopted. From the idea I have of the Treadmill I am happy to think that we are not likely to have male subjects enough to keep it going, otherwise I should take the liberty to propose one being constructed here in the apartments J. K. L. of the old prison plan No. 1, where we would also have handmills if approved of by His Honor. I have &c.

(Signed) A. STOCKENSTROM.

The Secretary to Government.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 9th June 1826.

SIR,—I have laid before Earl Bathurst your letter of the 5th instant, His Lordship has also received a Memorial from the persons who were desirous of accompanying you to the Cape of Good Hope.

Your endeavours to promote the wishes of those persons have no doubt been well meant ; but his Lordship must regret that you should have encouraged them to sell their goods and furniture for the purpose of enabling you to provide part of the Security which you could not yourself afford, for the reimbursement of a proportion of the expense of conveying them to the Cape, provided that measure should have been determined upon ; for although there has been every disposition on the part of his Lordship to have that arrangement carried

into effect, it was never intimated to you that it would be made to depend entirely upon your ability to give security in the manner originally proposed. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JOHN PASKIN and others.

DOWNING STREET, 9 June 1826.

I have received Earl Bathurst's directions to acknowledge the receipt of your Memorial and to express to you his regret that there are no means at his disposal for conveying you and your families to the Cape of Good Hope. His Lordship also laments that you have subjected yourselves to inconvenience by selling your goods and furniture in order, as you state, to enable Mr. Shepherd to offer security for the reimbursement of part of the expense of your conveyance. Mr. Shepherd may no doubt have conceived that he was thereby promoting the accomplishment of your wish to be conveyed to the Colony; but I must add that he had no authority from his Lordship to make any arrangements which would have the effect of putting any of you to personal inconvenience in the event of His Majesty's Government not being prepared to convey you to the Cape of Good Hope. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to MAJOR GENERAL BOURKE.

CAPE TOWN, 9th June 1826.

SIR,—We have the honor to acknowledge the receipt of your letter of the 25th Ultimo enclosing to us a copy of a despatch from Earl Bathurst dated 20th February last, and requesting our attention to the concluding paragraph in which his Lordship proposes that a tax should be imposed upon

the owners of slaves in this Colony in pursuance of a recommendation that we had made to his Lordship of the expediency of affording relief to the Finances of the Colony by levying such an impost.

We have not failed to give our best attention to the important subject of this communication, and in coincidence with the same views we have already had the honor of explaining in our communication with Lord Charles Somerset we can have no hesitation to state to your Honor the nature of the arrangements that we have had it in contemplation to bring under the consideration of Earl Bathurst and the extent of relief that we conceive it would be practicable and just to afford to the Inhabitants of the Colony at large by the substitution of a new burthen on the Proprietors of Slaves.

We will not detain your Honor with the repetition of our former observations upon the nature of this tax which is borne in other Colonial possessions of the Crown. We would merely observe in addition to the remarks that are contained in our letter to Lord Charles Somerset of the 8th January last that from the high price of labour and from the comparative cheapness of provisions at the Cape there is no British Colony that we are aware of in which the value of slaves has more rapidly increased, in which the cost of subsistence is so small, and where a greater facility exists in deriving a gratuitous return from their labour. Considering also that those who do not hire out their slaves or profitably employ them have the means of doing so, and that they consequently retain them for their personal convenience, it is not the less just that a proportionate tax should be defrayed by those proprietors than by the others, and the opportunity that is open to all of rendering the industry of their slaves productive will obviate a primary objection that applies to some of the assessed taxes that are now levied upon objects which have ceased to be profitable and which in some instances have been attended with loss. A further objection applies to these assessments that they are equally vexatious, complicated, and expensive in the mode of their collection.

In the consideration of this subject our attention has been particularly drawn to the taxes that have been raised in the Districts under the names of "opgaaf" and which have not been carried to the credit of the general revenue or included in

the estimates or accounts that have been rendered to His Majesty's Government and laid before Parliament.

In the preamble to the proclamation of Sir John Cradock of the 1st April 1814 declaring the principles upon which these taxes were in future to be regulated, the object of establishing the control of the Government over this branch of the public burthens and of relieving the Inhabitants from the effects of partial or unequal assessment was much dwelt upon, but in the operation of the measure we have not found that this principle has been generally attended to by the District Boards or that the wealthiest Districts have borne a due share of the public burthens. The extent to which the extraordinary assessments have been imposed in some Districts (and as we apprehend in some instances without due authority) to meet the charges for transport and other contingent expenses of a general or a local nature has borne no proportion to the relative means of the Inhabitants and the losses sustained from the failure of the wheat crops and the destruction of stock either from diseases or the inclemency of seasons have not led to any abatement in their local assessments which have in some instances been augmented by legal charges for recovery, and have often fallen upon capital or been remitted at last from the insolvency of the parties.

In the consideration of these burthens (raised for the partial maintenance of the District Establishments and frequently employed to defray charges that might justly have devolved on the Colonial Treasury, we have also noticed that they have for the most part been assessed upon the same produce and stock that had already been comprehended in the estimates of the annual quitrents charged upon the land. These objects have again been liable to an assessment in the tythe (the original land tax) which has been levied upon them upon being brought to Cape Town or Simon's Town by land, and of late years to a fourth charge in the market dues levied even in a greater degree and to a large extent by the Burgher Senate. Corn and meal have been subject to a further assessment raised for support of the Granary and the Shambles, and wine and brandy in the assessment for the wine taster, the gauger's fund, and stamps on collector's certificates, independently of the duties raised upon their consumption in the licenses.

These detailed assessments have also subjected the farmers to inconvenience in a much greater degree than they have been productive to the revenue, whilst the charges for their collection have been considerable both in the fees allowed and the Establishments maintained. Another branch of the opgaaf has consisted of the capitation tax of 2½ Rixdollars upon all male inhabitants above the age of 16 and all females above the age of 20 years.

In some of the Districts and in Cape Town the ordinary and extraordinary taxes have been raised by an assessment upon all stock and property, including slaves, and in some the travelling charges have been defrayed by a tax upon waggons, draft oxen, and horses.

The commando tax that has been levied since the year 1812 in unequal quotas upon the several Districts has also been assessed upon stock and property, including slaves, and in two districts, Stellenbosch and Worcester, a slave tax has been expressly imposed by the District Boards and upon slaves of all ages, to provide for certain objects of a local nature.

With a view to relieve the inhabitants from such various and unequal burthens and especially where they fall upon objects that it is proposed generally to tax, we have had it in contemplation to submit to Earl Bathurst the expediency of repealing all those that we have enumerated, and in addition to the permanent assessment on produce and stock estimated in the land rents and the proposed tax of £1 upon all slaves above 8 years and under 60 years of age, to impose a tax of 10s. upon all free male servants and apprentices above the age of 8 years and under 60 in commutation of the present opgaaf taxes (including capitation taxes) and a tax of 7s. 6d. upon all other free males in the Colony above 16 years and under 60 as a commutation of the services which the inhabitants are bound to afford in commandos, and to be levied as an extraordinary tax as long as it may be necessary to maintain a military force for the protection of the Frontier.

Upon the subject of the Tithe on produce we submit the absolute justice of remitting it to the Farmer who is compelled to bring his produce to market from the interior by land or else to impose it on all produce imported coastwise. The remission we should prefer to recommend for the reasons we have stated,

but at the same time that the landrents should not be reduced upon lands already granted, or too moderately assessed upon lands hereafter applied for. In order to sustain this branch of the Revenue we have had it in contemplation to recommend the sale of all " accroached " lands throughout the Colony.

According to the returns in our possession it would appear that the number of slaves in six districts comprising the Eastern Division of the Colony on the 1st of January 1825 was 6,575, and in the six districts comprising the Western Division, including Cape Town, the number was 28,934. The relative proportions of the entire population in 1823 was 73,236 for the Western Division and 42,969 for the Eastern Division. The tax upon slaves will therefore be principally defrayed by the inhabitants of the Western Province and that upon free servants in the Eastern Province, where there is a larger number of contracted servants and apprentices and who are chiefly in the service of the graziers, the most prosperous class of the inhabitants of the country.

The commando tax to the amount at present raised will be more equitably imposed upon the principle we have stated than it has hitherto been, as the charge will be a fixed and uniform one upon each individual bound to render personal service and exempting entirely the slaves and free servants for whom other taxes will be paid by the owner or employer. It will not fail to occur to your Honor that the assessment of a fixed quota upon each District must necessarily involve a great irregularity in the charge to each individual independently of its being raised by an assessment upon the whole property or income of the person liable to serve.

The opgaaf and commando taxes now paid by the Hottentots of the Institutions will be commuted for the commando tax of 7*s.* 6*d.* on the men only, and in the same manner the assessments that are now levied upon the colonists for themselves and their families will be advantageously commuted.

Lastly we have intimated our intention to propose a tax of one pound per annum upon two wheeled carriages, of £2 on four wheeled carriages, and of 10*s.* upon carriage or saddle horses not kept for agricultural purposes, this tax to compensate for remitting the extraordinary assessments for " transport."

In proposing the foregoing modifications of the assessed taxes

with a view to the relief of the inhabitants by a more equitable assessment, and to the liberation of the internal trade of the country, we have also considered that it would be just to recommend that the wine farmers should be relieved from the gauger's duty, and as a local assessment imposed by the Burgher Senate which bears heavily on the price of provisions to remit to the inhabitants of Cape Town the market dues assessed to a large amount for an object that has long since been provided for by the redemption of the debt for the new market.

The duty imposed upon corn for the support of the Town Granary and the duties levied at the Shambles to provide for the erection of those buildings might also be advantageously remitted.

These remissions ought to lead to an immediate and considerable reduction in the market price of all supplies from the country, by which the inhabitants generally and the slave owners in particular ought to benefit and may be expected to do so, if the dealers are prevented from deriving an undue advantage.

We conceive that the market establishment which it may be necessary to maintain and the expences of repairs may be provided for by a rent upon stalls and a small fee upon waggons and carts that may pass the weighhouse, that the stalls in the shambles may be let for a sum that will progressively redeem the debt to the public, and that the granary which has been unattended with any peculiar benefit to the inhabitants of the town should constitute a charge upon the public in general so long as the maintenance of such an establishment may be considered necessary.

From the complaints that have been made of the operation of the market regulations in the country districts, we should also recommend that no fee or duty should be allowed to be levied more than may be sufficient to defray the actual expense of the market establishment to be maintained, and that the principle we have recommended for relieving the Cape Town market from vexatious restrictions should be generally applied to the others.

As no regular provision has ever been made for the support of the Somerset Hospital, or for reimbursing the advances for the original purchase of the buildings, we conceive it also

just that the inhabitants of the town who will contribute a large share of the slave tax should be relieved from this burthen, and as in the case of the Leper Institution that it should constitute a charge upon the colonial revenues and be open to all the inhabitants of the colony. Some expence might be saved by uniting these establishments under one superintendence and by removing the lepers to the vicinity of Cape Town, a measure that has been long under the consideration of the Colonial Government, and with a view to which we believe the estate of Paarden Island was purchased in 1824.

In framing an estimate of the comparative productiveness of the taxes that are proposed to be raised and of those to be remitted, we have the satisfaction to find that they will more than compensate to the public, whilst the collection will be attended with far greater certainty and economy.

According to the returns in our possession the civil salaries and other expences chargeable upon the District Treasuries amounted in the year 1823 to Rds. 138,013, and those of the Burgher Senate (chargeable on the income tax levied in Cape Town) to Rds. 18,190. The entire expences of the Somerset Hospital have averaged about Rds. 12,000 a year. These charges, amounting to Rds. 168,203 (subject to some practicable reductions), will devolve on the Colonial Treasury, and on the other hand the abolition of the collector's office at the shambles and the gauger's and winetaster's departments will constitute a saving to the public.

The due assessment of the taxes which we recommend upon *all* persons in public offices will also augment the public resources.

By resuming the establishments for which the inhabitants of Cape Town have been made chargeable, the portion of the debt remaining due to the Treasury may be gradually redeemed by suspending all private loans from the Lombard Bank and by directing all sums received by the Bank in reimbursement of former loans to be paid into the Colonial Treasury. Upon the principle that we before recommended of placing to the credit of "capital repaid" all sums that have been received on account of interest on loans for public works, the unredeemed debt of the different establishments to the Colonial Treasury will amount to Rds. 157,636, and we have had occasion to

estimate the average repayments to the Lombard Bank at 100,000 rixdollars in one year.

As advances have also been made from the Lombard Bank and from the Orphan Chamber, we recommend that all interest on these advances should cease and that with a view to the simplification of the accounts they should be made over to the administration of the Lombard Bank from whose capital the advances are to be redeemed. The rent upon the shambles would be received by the Treasury in reimbursement of its advances.

The relief which these arrangements will afford to the inhabitants of Cape Town we conceive to be alike just and expedient at a time when they are called upon to bear a new assessment, and we think that the unproductive shares which are held by the Burgher Senate in the Commercial Exchange may also be transferred to the Government and added to those which it already holds in that Building.

The contingent expences of the country districts may we trust be considerably reduced by means of the direct control of the Government and especially the charges for erection, alteration, and repairs of buildings and for transport or charges for travelling on the public service, for which we have separately provided. The rewards for destruction of noxious animals we conceive should in future be withheld altogether. Upon the principle of collecting the taxes exclusively for the general Treasury the part or revenue from wine licences allowed to certain Districts will revert to the Public.

The church tax levied on Places and Erven by the 18th and 19th articles of the proclamation dated 1st April 1814 will continue to be applied to the support of the District churches, but we recommend to your Honor's consideration at this time the justice of relieving the inhabitants of Stellenbosch from the charge for a building that they have erected at their own expence and which is kept as a church for the accommodation of their slaves. We also submit to your consideration the expediency of fitting up a place of worship for the slaves of Cape Town, and we beg to suggest that the building situated in Grave Street and held in trust by the Bible and School Commission might accommodate a considerable number.

We recommend that the hearth money now levied upon

inhabitants of Cape Town for repairs of streets and canals should be imposed in a more equitable manner than by an equal assessment upon houses of all descriptions, and that a house and shop tax should be levied according to a graduated scale to provide for the annual expence incurred under this head.

The repairs of streets and watercourses in the several villages throughout the Colony, a charge in some places on the district revenues, should also be provided for in the same manner.

As it is apparent from the official returns that the revenue derived from the ordinary and extraordinary assessments has fallen considerably short of the estimates we are disposed to attribute this circumstance to their undue pressure upon the poorer classes of the inhabitants, and as on the one hand the tax that will fall hereafter upon the wealthier part of the community may be expected to be more productive and more punctually discharged, the relief of the indigent inhabitants from the operation of a portion of the assessed taxes may be expected to increase those branches of the revenue which depend upon consumption.

We take this opportunity of requesting your Honor's consideration of the means of reducing the expences attending the establishment of the Cape Corps on account of the great pressure it occasions in the colonial finances.

We also beg to submit that some early reductions may be effected in the establishment of the slave lodge.

The proclamation of the British Authorities in 1795 by which auction duties were proposed to be raised without the intervention of the Department of Vendues is consistent with the views that we have already had the honor of explaining in our letter to Lord Charles Somerset of the 8th of January last, but we have had occasion to notice that no part of the penalties enacted for the protection of this revenue were made payable to the informer, an encouragement that it is necessary to hold out. According to the 19th article of the proclamation dated 14th November 1823 the fines imposed upon unlicensed dealers in wines and spirits were directed to be distributed according to the usage of the Colony and two thirds paid to the informer if a licensed dealer.

The salaries of the Vendue Department in Cape Town amount to Rds. 15,790, and the fees to Rds. 30,960, and we have ascer-

tained that in the District of Stellenbosch the whole duties of the office of vendue master devolve at present on the auctioneer, and as the vendue master has taken security to the full amount required from himself, he enjoys a considerable salary for which he performs no adequate service to the Public.

In bringing these general arrangements so fully before your Honor at this time, we have been actuated by a desire to meet the request you have addressed to us in the most satisfactory manner. It will have occurred to your Honor that as the Taxes for the current year have already been assessed these arrangements could hardly have effect until the ensuing year, and the approval of these and of other measures for the future establishment of the Colony and for the settlement of its revenue may possibly be received.

Altho' the assessment of a tax on slaves will compensate for much of the deficiency that would otherwise have been apparent in a general settlement of the finance of this Colony, the sacrifice which we have judged it equitable immediately to propose on the imposition of a new burden will bear a large proportion to the amount of that assessment, and it will remain for your Honor to determine upon the expediency of carrying these partial revisions of the system into immediate effect, or of deferring them until the general arrangements for the Colony may be decided on by His Majesty's Government. Our object in bringing the subject of the slave tax under Earl Bathurst's immediate consideration was to anticipate any confirmation of the exemptions that were proposed, and which would have eventually rendered it less productive than the exigencies of the Colony will unquestionably demand. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE,
WM. BLAIR.

P.S.—We enclose herewith an abstract statement of the result of the various changes we have proposed on the introduction of the Slave tax, by which your Honor will perceive that an increase of only Rds.1911 will be made to the taxes at present imposed on the public, and that an accession of Rds. 197,437 or £14,807 15s. 6d. will be gained to the Colonial Revenues.

[Enclosure in the above.]

New Taxes to be imposed.

Total number of Slaves in the Colony on

1st January 1825	35,509
Under 8 years 7,100	
Above 60 years 2,261	9,370

Number of Slaves between the ages of 8 and 60 . . . 26,139

A tax of £1 upon 26,139 Slaves would produce . Rds. 348,520

Tax upon apprentices and free servants (Hottentots and others) at 10s. 66,666

Commando tax upon all other males above the age of 16 and under 60 (not being servants or slaves) at 7s. 6d. (1,200 men) 60,000

£35,638 19s. or Rds. 475,186

To defray the charges for transport and repair of roads in lieu of the present assessment on waggons, draft horses and oxen :

Tax on waggons used for agricultural purposes at 5s.

Tax on two wheeled carts used for do. at 2s. 6d.

Tax on four wheeled carriages and waggons *not* so used at £2.

Tax on two wheeled carriages and carts *not* so used at £1.

Tax on saddle and draft horses *not* so used at 10s.

Graduated tax on houses and shops (for repairs of streets and canals), in lieu of the present assessment of hearth money on all houses in Cape Town without reference to size.

Result of the proposed Taxes upon the Finances of the Colonial Government.

The Treasury will receive

Taxes to the amount of Rds. 475,186

Wine Licenses in the Country Rds. 19,777 } now received

Rent of Lands and Buildings in do. 9,370 } by the Dis-

Fines and Penalties in do. 2,998 } trict Treasuries.

32,145

Rds. 507,331

The Treasury will lose

By remission of Taxes	Rds. 141,691
The Salaries of the Burgher Senate until abolished	18,190
Expenses of Somerset Hospital	12,000
Salaries now paid by the Districts	29,843
Contingencies do.	34,342
Repair of Buildings do.	31,903
Expenses of Police and Prisons do.	41,925
	————— 309,894

Increase of Revenue to the Colonial

Government £14,807 15s. 6d. or Rds. 197,437

Taxes to be remitted.

General revenue :

Tithes on produce brought to Cape Town by land (1824)	Rds. 68,778
Wine Taster's fees, average collection of 4 years, Rds. 17,113, from which deduct the Salaries of the present Wine Taster's Establishment to be reduced Rds. 5,200	11,913
Commando Tax throughout the Colony (Proclamation 4 Dec. 1812)	61,000
Gauger's Fund levied for the support of the Library	14,054

Local Revenues :

Income Tax assessed upon the Inhabitants of Cape Town (1825)	19,105
Granary, Cape Town, Tax upon Flour (1825)	25,554
Shambles, Cape Town, Tax on Cattle slaughtered (1825)	33,193
Market, Cape Town, Tax collected by the Burgher Senate (1825)	45,266
Opgaaf, Country Districts, Assessments both ordinary and extraordinary (collected in 1823)	193,297
Simon's Town, Opgaaf (assessment for 1825)	1,115

Total remission of Taxes in the Colony Rds. 473,275

Comprising therefore the amount of Taxes proposed to be levied upon Slaves, Free Servants, and Inhabitants with the amount of Taxes to be remitted, there appears to be an increase of taxation to the amount of Rds. 1,911.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* MAJOR GENERAL
BOURKE.

CAPE TOWN, 9th June 1826.

SIR,—In bringing under your consideration the arrangements we have proposed to recommend to Earl Bathurst on the occasion of imposing a new burthen in the slave tax, it will be apparent to your Honor that we have had chiefly in view to relieve the Inhabitants from all partial assessments that have been hitherto imposed and that have either been distressing from the inconvenient manner of their assessment or applied to objects of inferior importance. We have also been impressed with the expediency of reducing the price of provisions by removing those imposts that have been levied upon articles of the first necessity and by which the cost of subsisting slaves and servants in the manner enjoined by the new Ordinance will admit of being diminished, as we hope, in a ratio proportioned to any increase of direct assessment that the Inhabitants may be called on to bear.

The grounds of this expectation may be appreciated from the fact that a reduction of one penny per diem in the cost of subsisting a slave or servant would reduce the expence to the owner or employer in the sum of 30s. per annum, equivalent to a saving of 10s. on every slave and of 20s. on every servant after defraying the proposed taxes, and without considering the effect of the same reduction in the price of provisions in the general expences of a large family. We believe that six pence sterling per day is the average rate at which the labouring classes of the population are usually subsisted, and that any comforts beyond a bare subsistence involve a greater charge. In Stellenbosch the articles purchased are stated to cost two skillings or $4\frac{1}{2}d.$ per day exclusive of the supplies derived from the farms.

To secure to the inhabitants the full benefit we have proposed for them it would appear to be absolutely necessary to revise the regulations for Butchers and Bakers which are at present established under the authority of the Burgher Senate, and without entering at this time into a detailed review of those

regulations, we think that it will be apparent to your Honor that many of them may advantageously be repealed. We are induced to notice in particular the limitation of the retail trade in bread flour to the licensed bakers and the large security required from the licensed butchers, together with other restrictions that must practically tend to favor monopoly, which it is the ostensible object of those regulations to prevent. We conceive that a regulation calculated to promote a more free and active competition amongst the butchers and bakers will more effectually accomplish a reduction in the prices of provisions, and that the Superintendent of Police will be fully competent to check the frauds or evasions which may be practised to the prejudice of the community. We have reason to doubt whether the regulation prohibiting under a heavy penalty the baker from altering the standard weight of their loaves has been observed.

Having thus proceeded, in compliance with the request contained in your letter of the 25th May, to make a full communication to you of the views that we entertain respecting the repeal of certain taxes and the substitution of others less objectionable in their nature, we trust that we may have been able to afford you some means of deciding upon the expediency of carrying into effect or of postponing Earl Bathurst's directions for the immediate promulgation of the measure that we had the honor to submit to him.

We at the same time take this opportunity of repeating that our inducement in addressing Earl Bathurst specifically upon the subject of the slave tax was our anxiety to anticipate the adoption of any irrevocable measure by His Majesty's Government by which the resort to that tax might be rendered impracticable or that would defeat the only expectation that the resources of the Colony have appeared to us to hold out of meeting the unfavorable circumstances of a declining revenue and an increased expenditure, and at the same time of affording relief to several classes of the inhabitants from the pressure of taxes that we have considered both impolitic and vexatious.

From the tenor of Earl Bathurst's letter we think it probable that his Lordship had apprehended some speedy defalcation of the Colonial Revenue, and had felt anxious to anticipate any sudden resort to the British Treasury for relief by the assess-

ment of a local and productive tax which has long been imposed in other Colonies.

Your Honor will not fail to perceive the nature and importance of the changes to which the proposed repeal of taxes will lead in the civil institutions of the Colony. These changes in which we propose to comprehend the resumption of the municipal privileges of the Burgher Senate, we shall be prepared to defend when we submit our general statement of the Colonial Establishments to the judgment of His Majesty's Government, and we only offer them now to the notice of your Honor in compliance with your own request to be informed of the nature of the measures with which it was our intention to introduce and to propose the adoption of the slave tax.

We always feel satisfaction in acceding to any wish of your Honor for such information as we are able to afford, but as the disclosure of our opinions in the Colony may have a tendency to involve us in discussions that are inconsistent with the spirit of our instructions, and may however unintentionally be the means of conveying to Earl Bathurst very imperfect impressions of the measures that we are prepared to submit to him, we venture to assure ourselves of the ready compliance of your Honor with our request of the same strict secrecy in favor of these communications that has already been conceded by Lord Charles Somerset and your Honor to former ones upon the same subject. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE,
W. BLAIR.

[Original.]

Letter from MR. JAMES THOMAS ERITH *to* R. W. HAY, ESQRE.

NO. 2 BARDEN PLACE, PECKHAM,
SURREY, *June 9th* 1826.

SIR,—Not having received an answer to my Letter and Papers of the 30th Ultimo, I shall feel particularly obliged if you will have the goodness to remind His Lordship of it.

I have &c.

(Signed) JAMES THOMAS ERITH.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 10th June 1826.

MY LORD,—I have the honor to transmit to your Lordship copy of a letter addressed to the Chief Secretary to Government by the Landdrost of Uitenhage, reporting the dilapidated state of the District Prison, and applying for a loan sufficient to meet the expense of the lower of two estimates for putting the building into a thorough state of repair, the one estimate amounting to rixdollars 6,165, or £462. 7. 6, and the other to rixdollars 8,674, or £650. 11, both of which are enclosed.

As it appeared by the statement of the Landdrost that the dilapidations requiring repair have been occasioned by an inconsiderable fall of rain, it was to be feared that unless immediate steps were taken, more material damage would be sustained during the present winter, I have in consequence given directions for the building being supported in its present state in such a manner as will I trust preserve it from further injury.

But as I am not authorised to incur the expense of either of the enclosed estimates, I have to request that your Lordship will be pleased to sanction a loan to the District Treasury to the amount of the lower of the two, as recommended by the Landdrost. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

UITENHAGE, 26th April 1826.

SIR,—I have the honor to report that on Thursday last the 20th Instant, after a few days wet weather and slight rain, that part of the flat roof of the old (as described, letter A or part of the original building of the) prison at this place fell in, the beams &c., being completely rotten. I had the honor some time ago to report the roof of two cells of the Right Wing of the Prison had fallen in, and for which authority had been given to repair, but from want of funds, and not

being exactly cramped for room, such has not been done. I have now had an inspection of the entire building (which the enclosed sketch represents) composing our present prison, and the result is that an entire new roof must be placed on the original or old part of the Building, and over the three cells composing the Right Wing, the roof over the three cells on the left Wing appearing at the present sufficiently good.

I have the honor to forward estimates of the probable expence attending the repairs or alterations required, and hope to receive his Honor the Lieutenant Governor's approval to have the repairs effected.

The resources of our District are I regret not adequate to bear the expence. I have the honor to enclose a Statement of them, and to solicit to be furnished with a Loan to enable those repairs to be performed, and which the present state of the Prison calls for immediately; the lives of the people in the Prison are in danger, You will perceive a wide difference between the two estimates, the one by an English Carpenter and Mason and the other by a Cape man. I could hope it may be contracted for at about the amount of the lowest estimate. I have &c.

(Signed) J. G. CUYLER.

The Secretary to Government.

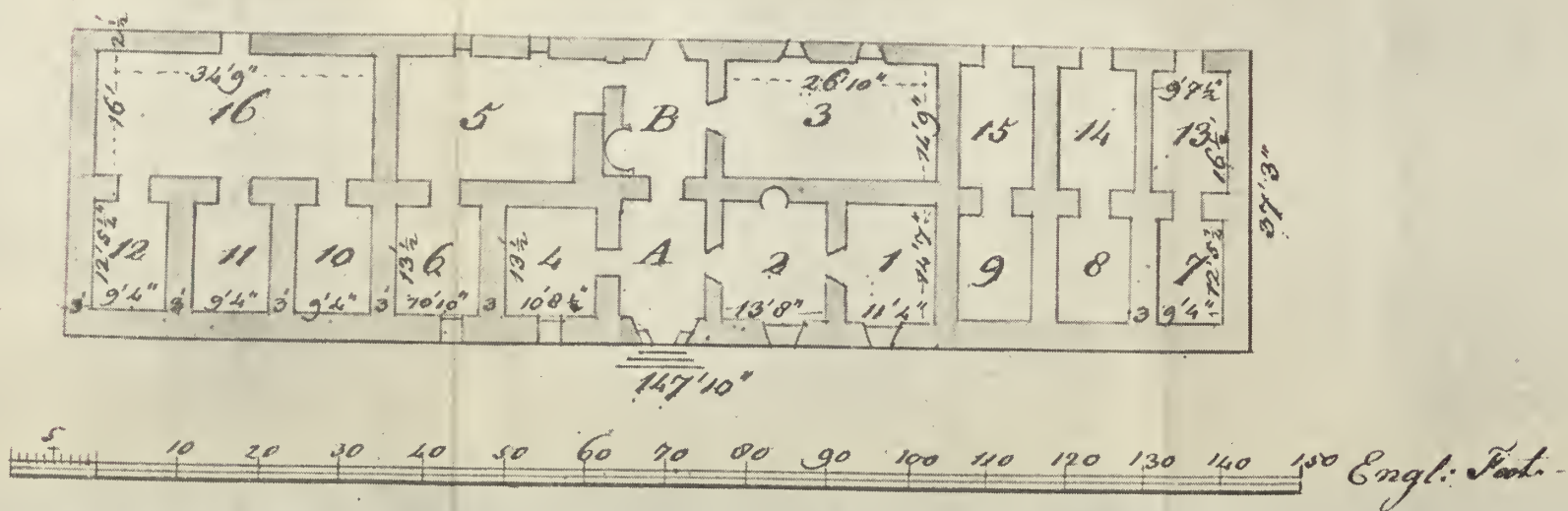
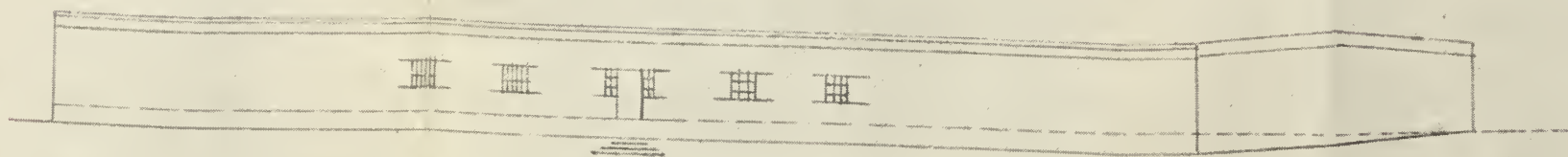
[Enclosure 2 in the above.]

Statement of the Funds of the District of Uitenhage.

	£	s.	d.
Balance Cash at the close of the year 1825 as per account	217	5	6
Which sum is nearly expended in defraying the disbursements for the quarter ending ulto. March 1826.			
The probable amount to be received at this year's Opgaaf, (in which we are now employed) taking the income of last year, may be estimated at	450	0	0
Receipts on new lands	187	10	0
	£637	10	0.

Surveyed
1826

Uitenhage Prison.



References.

- N^{os} 1 & 2. Sheriffs Rooms -----
 " 3 Constables R^o -----
 " 4 & 6 Cells, Stone building with double doors
 and double grated windows -----
 " 5 Freeblack Constables Room -----
 " 7 to 12 Cells ----- 7, 8, 9, 13, 14 & 15 compose
 the left wing, 10, 11 & 12 compose the right wing
 " 13 to 15 separate open yards 15 feet high. -
 " 16 - open yard -----

Uitenhage January 1824.

(Signed) James Swan.

N.B. Letter A & N^{os} 10, 11, 12, are at present totally unroofed -
 and N^{os} 1, 2, 3, 4, 5, 6, with Letter B require new Roofing. -
 20th April 1826. (J.S.)

A true Copy
 J. Knobel
 Govt. Surveyor

The probable expenditure of the District for the year 1826, rewards for the destruction of noxious animals, support of prisoners, one with the other, may be estimated at £562 10s. So that at the close of the year there likely will be a balance in hand of about £75 to meet the expenditure of the first quarter ending March, 1827.

Uitenhage, April 25th 1826.

(Signed) T. J. F. ROSELT,
Secretary.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 10th 1826.*

MY LORD,—I have the honor to transmit the copy of a Memorial from Mr. D. van Reenen proprietor of the place called Brewery in this District praying for the confirmation of a grant of land allotted to him by an Order in Council of the Batavian Government dated April 4th 1804, but of which the title deeds were not executed at the period of the second occupation of this Colony by His Majesty's Forces.

In submitting this Memorial to Your Lordship I have thought it proper to enclose copies of a correspondence which passed between the Lords Castlereagh and Liverpool when Secretaries of State for the Colonies and Governor the Earl of Caledon in the years 1809 and 1810 on this subject. Your Lordship will perceive that His Majesty's Government declined upon general principles to confirm grants of land agreed to and recorded but not regularly conveyed by the Batavian Government.

Mr. Van Reenen's claim then stands on its own merits. The grant it appears was assigned to him in lieu of a privilege previously enjoyed by his Father to cut wood in the Government forests for the use of a Brewery which he had set up, and which was regarded at that period as an establishment deserving the support and assistance of Government.

Since that time the lands in the neighbourhood of the proposed

grant have been purchased for the residence of the Commander of the Forces, and since the Civil Government and Military command have been vested in the same person, this land proposed to be granted to Mr. Van Reenen together with other unappropriated Government land adjoining, has been considered as an appendage to the Residence of Newlands.

The accompanying plan shews distinctly the boundaries of the several adjacent properties and the land sought for by Mr. Van Reenen. The latter is separated by the road from Newlands, which place appears to me to be already more than sufficiently extensive for a residence, and that any further addition (unless made profitable by letting the land or sale of the Wood) would be rather a burden than otherwise to the casual occupant for whose use it is intended.

Under these circumstances and as Mr. Van Reenen is a very respectable Man of an ancient Dutch family, and to whom this land, by reason of its contiguity to his Brewery, is of more value than to any other person, I would recommend to Your Lordship to grant it to him; but upon a totally new title, namely upon perpetual quit rent, and without any reference whatever to his supposed claims under the grant of the Batavian Government. I would further recommend that the adjoining piece of unappropriated land marked A should be sold for the benefit of the Colonial Treasury.

I should add that Mr. Van Reenen has continually urged his claim, and that in the years 1816 and 1818 two separate grants of land were made to him, that of 1816 being part of the proposed grant of the Batavian Government, and the other adjacent to it. The value of the grant of 1816 is stated by the Landdrost and Heemraden of the District at from £200 to £250, and that of the remainder of Mr. Van Reenen's claim at about £750 Sterling, tho' he rates it considerably higher. I have stated these values in order that if Your Lordship should not be disposed to alienate land in the vicinity of Newlands, you might probably desire a grant of equal value to be made elsewhere. I have &c.

(Signed) RICHD. BOURKE.

Int. B
Duplicate.

Declivity of Table Mountain

Quitrent

Land granted to Mr van Reenen 10th June 1818.

Quitrent

Land granted

to Mr van Reenen 24th June 1816.

Government Land intended to be granted to Mr D. van Reenen 4th Morgen.

Remainings vacant Government Land

Part of Paradise

Private Property

Stony Place
Private
Property

Lines not explained in Mr Thibault's Plan.

Old Freehold of the Place

Boundary.

True North

Newlands measuring according to Mr Thibault's Plan about 60 Morgen

Liesbeeck's River

Sketch of the relative Situation of the Estates of Newlands and Brouwerij and adjacent Lands, according to the General Plan by the Government Surveyor Thibault, showing also the extent of Land applied for by Mr D. van Reenen. - Copied by

J. Knobel
Govt. Surveyor

[Enclosure 1 in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., Cape of Good Hope.

The Memorial of D. van Reenen, D. G. son, as Proprietor of the place *Brouvery*, Humbly Sheweth

That the first Grant of the said place has expressly been made for the purpose of erecting a Brewery on the same, which was also done.

That Government for the encouragement of this Establishment granted the Proprietor of the *Brouvery*, then called Papenboom, the privilege of cutting in the Government Woods as much fuel as he might require for the said Brewery.

That on Memorialist's Father D. G. van Reenen becoming Proprietor of the said Brouvery, that right was disputed him, wherefore, in the month of May 1791, a permission was granted to Memorialist's Father on the ground of the privilege of his Predecessors, to cut as much wood in or about the woods of the Paradys as would be required for carrying on the said Brewery.

That in the year 1804 some grievances were sent in to Government by Servaas van Breda C. S. as proprietor of places along the Liesbeek River.

For the purpose of investigating which, two members and one late Member of Council were specially appointed and on their Report, "That they can recommend to Government to accede to the applications made by Venables and Dirk Gysbert van Reenen for the grants in freehold of certain lands situated between De Paradys and the farm of the aforesaid Van Reenen subject to the following regulations. That in drawing a straight line from a spot of white stones at the top of the mountain, downward to the Road, which leads to the house of Niemand, the land situated on the left of the said line might be ceded to W. F. Venables, while the land on the right of the said line can be granted to Dirk Gysbert van Reenen &c., as also that the Cleft in the Mountain (Kloof) covered with wood, above the land of D. G. van Reenen might also be ceded to him, provided that all the pines and oaks at present or hereafter

found thereon shall remain the property of Government, who reserve to themselves the privilege to cause them to be felled at any time, when wanted, as also that the Kloof and its wood *be ceded in lieu of the permission which the aforesaid D. G. van Reenen had to gather or fell fire-wood for the use of his Brewery on Government ground.*"

It was resolved by the Governor in Council on the 4th April 1804 to grant in Property to D. G. van Reenen, W. F. Venables &c., the land respectively petitioned for by them and more fully described in the above Report, under such conditions as have been laid down by the Court's Commissioners.

That the wood thus conditionally granted to D. G. van Reenen not containing any oak or fir *timber* which could render the aforesaid condition necessary, the Memorialist's father in consequence addressed himself by Memorial to the Governor in Council on the 18th December 1804, submitting the above circumstances and requesting that the wood aforesaid may be inspected and if his statement be found correct that the same may then unconditionally be granted to him.

That the wood having in consequence been inspected and found to be conformable to Memorialist's statement, it was resolved by the Governor in Council to grant the Memorialist's request without any restrictions, and the said wood thus became the legal property of the Proprietor of the Brewery.

And as Memorialist is rapidly extending his Brewery, whereby the said wood is rendered indispensably necessary for Memorialist, he humbly prays (in order that the wood in question may not in future be disputed to him) that on the above grounds a Title Deed may be granted to him of the said wood according to the survey already made thereof. And Memorialist as in duty bound shall ever pray.

(Signed) D. VAN REENEN Dz.

CAPE OF GOOD HOPE, 15th March 1825.

[Enclosure 2 in the above.]

Permission is hereby granted to the First Lieutenant of the Burgher Guard, Dirk Gysbert van Reenen, upon the strength of precedents established by his predecessors and of the con-

cession which he himself has hitherto uninterruptedly enjoyed, *To cause as much firewood to be felled in the forests of, and adjoining the Company's Farm "het Paradys" for the use of his Brewery, and to be conveyed to his own Farm, as he shall require solely for the continuation of his Brewery.*

This permit shall however on account of the arrangements already made, or still to be made with regard to these forests, be previously produced to Messieurs Robert Jacob Gordon and William Ferdinand van Reede van Oudtshoorn, the present Commissaries over the forests aforesaid.

In the Castle The Good Hope the May 1791.

(Signed) J. I. RHENIUS.

[Enclosure 3 in the above.]

Extracted from the Report of the Members of Council R. A. DE SALIS, P. VAN MEDENBACH WAKKER, and of C. BRAND, exhibited to the Governor in Council on the 4th of April 1804.

Commissioners are of opinion, in reply to the sixth point "Whether and what objections &c." that they can recommend to Government to accede to the applications made by Venables and Dirk Gysbert van Reenen, for the grants in freehold of certain Lands, situated between "de Paradys" and the farm of the aforesaid Van Reenen subject to the following regulations.

That in drawing a straight line from a spot of white stones at the top of the Mountain, downward to the Road which leads to the house of Niemand the land situated on the left of the said line might be ceded to W. F. Venables, while the land on the right of the said line can be granted to Dirk Gysbert van Reenen, the said line to be drawn so broad that it can serve for a road for the wood cutters who go to fell firewood on the land along the mountain, in contemplation for that purpose, and hereafter further to be described. Further, that the forest of silver trees on the said land planted by Mr. Van Reede van Oudtshoorn, and which is now perfectly destroyed by the fire of the 29th April, requires to be felled down, and the Inspector General of the Government Domains be authorized to cause the wood to be removed in order to be employed for fuel for

the Garrison. The cleft in the mountain (Kloof) covered with wood, above the land of D. G. van Reenen might also be ceded to him, provided that all the pines and oaks at present or hereafter found thereon shall remain the property of Government, who reserve to themselves the privilege to cause them to be felled at any time, when wanted, as also that this Kloof and its wood be ceded in lieu of the permission which the aforesaid D. G. van Reenen had to gather or fell firewood for the use of his Brewery on Government Ground, which permission will thereby cease. And in order to procure greater facility to the firewood cutters, and to release the inhabitants of that vicinity from the inconvenience to which they are exposed, the aforesaid Government ground along the mountain might be pointed out to these woodcutters, which extends to "de Paradys" in a straight line beginning behind the lime trees, and ending at the Kloof or the forest of the said D. G. van Reenen near the aforesaid spot of silver trees. From this contemplated extent of ground for the wood cutters, no one should be allowed to convey any wood by means of waggons, nor should the said wood cutters be allowed to fell any oaks or pines, under forfeiture of the said wood which they have gathered, besides rendering themselves subject to arbitrary correction.

A true Extract.

(Signed) R. Dozy.

[Enclosure 4 in the above.]

Extracted from the Resolutions taken by the Governor in Council at the Cape of Good Hope on Wednesday the 4th of April 1804.

In compliance with the Council's Resolution of the 18th February last, by which, in consequence of the complaints of Servaas van Breda C. S., owners of and residents on farms, situated along the Liesbeek River, it was deemed expedient to commission the Members of Council De Salis and Wakker assisted by the former Member of this Government C. Brand, as well for the investigation of the aforesaid complaints, as for the recording of several points in dispute, and other difficulties

about watercourses and lands, existing between the owners of the farms situated behind the Devil's Hill and the Table Mountain; the aforesaid Commissioners submitted to the Council a Report in writing of the following contents:

F. I.

After the perusal of which Report and after mature considerations of its contents it was resolved to convert the same into an order of this Council, and as a consequence thereof to grant in freehold to Dirk Gysbert van Reenen, W. F. Venables C. S., Alexander van Breda and Honoratus Christiaan David Maynier, the lands applied for by them respectively, and described in the aforesaid Report, subject to such conditions as have been recommended by the Commissioners. The Title Deeds of the said Lands shall however not be issued before the whole extent of land from the farm of Gysbert van Reenen to that of the aforesaid Maynier exclusively, shall have been properly surveyed and diagrams thereof framed, for which purpose the first Lieutenant of the Artillery Frederici, and the Draftsman Jones are expressly commissioned by these presents, these officers being enjoined to regulate themselves strictly in the execution of this Commission, according to such commands as the Member of Council De Salis is desired to communicate to them, for the attainment of the views of the Governor in Council.

A true extract.

(Signed) J. W. STOLL, Assistant Secretary.

[Enclosure 5 in the above.]

To Jan Willem Janssens, Esqre., Governor and Commander in Chief of the Colony of the Cape of Good Hope and its dependencies, and to the Members of the Political Council.

The Memorial of Dirk Gysbertus van Reenen, proprietor of the Farm Papenboom, granted by this Government in freehold for the purpose of establishing a Beer Brewery, in consequence of Instructions received from the Council of Seventeen at the time, representing the General Licensed East India Company, humbly sheweth,

That the Cleft in the mountain containing wood which you

have graciously been pleased to cede to Memorialist, provided the oaks and pines found therein at any time should remain the property of Government, contains no pines, and that the oaks found therein are only available for the purpose of firewood, which has formerly always been allowed for the use of the Brewery, and that if memorialist be not permitted to continue to make use of that firewood, the grant obtained by him would be rather disadvantageous than advantageous to Memorialist.

Upon these grounds Memorialist takes the liberty to address this Council, humbly praying that you may be pleased to cause the said wood to be inspected, and if it should appear that it contains no oaks or pines available for timber, to cede the said wood to Memorialist without any reservation, as an equivalent for the former permission quoted in your Resolution ; Memorialist engaging that if any pines or oaks might be found in the wood, he will invariably preserve them for the disposal of Government.

And Memorialist &c. &c.

(Signed) D. G. VAN REENEN.

CAPE OF GOOD HOPE, 18th December 1804.

[Enclosure 6 in the above.]

The Inspector of the Government Domains and Forests, H. CLOETE SENIOR, to J. W. JANSSENS, Governor and Commander in Chief of the Colony of the Cape of Good Hope and its dependencies.

SIR,—The undersigned has been honored by the receipt of a letter from your Excellency's Chief Secretary, Mr. J. A. Truter, giving cover to a report of the Members of Council Messrs. R. A. de Salis and J. P. van Medenbach Wakker, and conveying to me your Excellency's Orders to report to your Excellency relative to the grant of certain lands behind the Table Mountain situated near and above the Brewery. The undersigned has in consequence the honor to inform your Excellency on this head, that that proportion of land which has been ceded by the abovementioned Members of Council to D. G. van Reenen, and pointed out to me by those Gentle-

men, appears to me to be part of the wild forest of the aforesaid Brewery, in which no pines but a quantity of oaks merely are found, which cannot be employed by Government to any other purpose besides for fuel, but its conveyance out of this deep Cleft would in my opinion be attended with considerable trouble and expense.

Trusting to have complied with the intention of your Excellency in this Report, I remain &c. &c.

(Signed) H. CLOETE, Senior.

[Enclosure 7 in the above.]

Extract of the Resolutions taken by the Governor in Council at the Cape of Good Hope, on Wednesday the 12th of June 1805.

Certain cleft (Kloof) covered with wood, situated above his farm, having been granted to D. G. van Reenen, as proprietor of the farm Papenboom or the so called Brewery, by Resolution dated the 4th of April of last year, *provided that all oaks and pines at present growing, or hereafter to be found in said Kloof, shall remain the property of Government, &c.*, Memorial was presented by D. G. van Reenen aforesaid, on the 18th December following, of these contents : F. I.

Which Memorial having been referred by the Governor and Commander in Chief to the Inspector of the Government Domains, H. Cloete Senr., for his considerations, the Report of the Inspector was read on this day, as follows :—

F. I.

From which report it having appeared that in the aforesaid wood there are found no pines whatever, but only a quantity of oaks, which latter cannot be employed for any other purpose but fuel, and the conveyance of which would be attended with heavy expences, it was resolved to accede to the Memorialist's prayer, the same being acceded to by these presents.

A true Extract.

(Signed) J. A. Truter, Secretary.

[Original.]

Letter from MR. JOHN CARNALL to R. W. HAY, ESQRE.

7, BISHOP'S WALK, LAMBETH, 12th June 1823.

SIR,—In answer to the various applications I have made to Earl Bathurst on the subject of my banishment from the Cape of Good Hope, and the oppression of Lord Charles Somerset, I have only had the assurance that his Lordship could come to no conclusion on my case until the arrival of the Report of the Commissioners of Inquiry. This Report having now been some time before his Lordship, I beg leave to ask whether it has received his consideration, and if the result is favourable to myself.

The illegal and oppressive measures of Lord Charles Somerset having reduced me to a state of absolute destitution and want, I have earnestly to crave, that if Earl Bathurst is disposed to afford me redress, it may be extended to me as early as possible.

I have &c.

(Signed) JOHN CARNALL.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to MAJOR GENERAL BOURKE.

CAPE TOWN, 14th June 1826.

SIR,—Having in our letter of the 9th instant requested to draw the attention of your Honor to the means that may be found of reducing the expenses of the Cape Corps with a view to the relief of the Colony in its present distressed circumstances, we take the liberty of submitting confidentially to you a schedule of a fixed establishment for the Corps which if calculated to preserve its efficiency for the particular service to which it is destined would effect a partial reduction of the expences.

The Cape Corps on its present footing is maintained at an

expenditure of £28,088 Sterling per annum, and on the plan we propose an Infantry Corps of the same number of men (600) would not cost more than £21,143, by which an immediate saving of £6,945 per annum would be effected, the charge being proportionally reduced for a smaller Establishment if any reduction of the numbers should be found practicable.

Your Honor is already aware from the correspondence we held with Lord Charles Somerset on the subject of the establishments and finances of the Colony that it was the opinion of his Lordship that the cavalry of the Cape Corps was required to be maintained in providing for the defence of the Frontier against the Caffres, but having had the opinion of several experienced officers upon the subject of the defence of the Frontier, and having ourselves had an opportunity of judging of the fitness of the mounted infantry of the Cape Corps for the service of the Frontier, and having been strengthened in our belief of its efficiency from the fact that the former Corps consisted entirely of infantry, and that the infantry of the present Corps has actually been employed in the pursuit of the Caffres and that the equipment of the cavalry is entirely useless when engaged in the Bush, we think we should not be justified in omitting to bring the subject under the consideration of your Honor as Lieutenant Governor of the Eastern Districts, or in stating our own views to Earl Bathurst as to the saving that may be effected, without a reference to your professional judgment. We beg leave to add that in addressing you confidentially on the subject and in stating candidly our opinions, we will make no further use of that with which you may favor us than you may be disposed expressly to sanction.

If any reduction should be made in the mounted cavalry and any augmentation of the infantry of the Cape Corps, it is our intention to suggest to His Majesty's Government to obtain from His Royal Highness the Commander in Chief the nomination of the vacant Ensigncies in favour of the sons of some of the respectable colonists to whom from the circumstances of the Colony and the probable reductions in some of the junior branches of the civil establishment such a provision would be particularly acceptable. We should also recommend that the option of receiving allotments of land should be held out to the Hottentots on their enlistment, and which they

should obtain at the expiration of the usual period of service (7 years).

We have not had in view to suggest the mode in which the Corps is to be formed and disciplined, but if it should be the opinion of your Honor that a less regular formation would be expedient, an opinion which General Francis Dundas supported at a period when from the disturbed state of the Frontier he had it in contemplation to form a Hottentot militia at Graaff Reinet, it would be satisfactory to us to find that a less regular and expensive description of force would equally provide for the protection of the Frontier from the inroads of the Tribes residing beyond it. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE,
WM. BLAIR.

[Enclosure in the above.]

Estimate of the annual expence of the Cape Corps of Mounted Infantry.

	£	s.	d.
1 Lieutenant Colonel commanding at 20/- per diem .	1	0	0
1 Major at 16/-	0	16	0
6 Captains at 10/6 each	3	3	0
6 Lieutenants at 7/6 each	2	5	0
6 Ensigns at 5/3 each	1	11	6
1 Adjutant at 8/6	0	8	6
1 Paymaster at 15/-	0	15	0
1 Surgeon at 11/4	0	11	4
1 Quarter Master at 6/6	0	6	6
1 Sergeant Major at 2/6	0	2	6
1 Quarter Master Sergeant at 2/6	0	2	6
1 Paymaster Sergeant at 1/10	0	1	10
1 Armourer Sergeant at 1/10	0	1	10
6 Schoolmaster Sergeants at 2/2 each	0	13	0
6 Colour Sergeants at 2/4 each	0	14	0
18 Sergeants at 1/10 each	1	13	0
24 Corporals at 1/5 each	1	14	0
12 Buglers at 1/1 $\frac{3}{4}$ each	0	13	9
540 Privates at 1/- each	27	0	0
Total of pay per diem	43	13	3

Total of Pay per annum	£15,936	16	3
Clothing of 600 men, to consist of 1 plain jacket, 1 pair of trowsers, 1 cap, 1 pair of shoes, 1 pair of gaiters estimated at £2 per man per annum	1,200	0	0
Forage for 320 horses at 6 <i>d.</i> per diem	2,920	0	0
Saddlery for 300 horses at £2 per annum	600	0	0
Farrier's allowance for 320 horses at 1 <i>d.</i> per horse per day	486	13	4
Total annual expence	£21,143	9	7

This Estimate includes the full pay of the soldier, and omits the expence of Rations, it having been found that the deduction of six pence per day from each soldier's pay has provided for the expence of the rations supplied to the men, women, and children, and it being understood that such expence is never to exceed the regulated amount of stoppages.

	£	s.	d.
The annual expence of the present Cape Corps, Cavalry and Infantry, is	28,088	18	6
Foregoing Estimate	21,143	9	7
Saving 92,600 Rixdollars or	6,945	8	11

The allowance for a Schoolmaster to each Company would secure to it the benefit of instruction when detached from the Head Quarters of the Regiment.

[Copy.]

Government Notice.

Notice is hereby given, that the Government Establishment of Boats and Seamen on the Knysna will be reduced on the 30th instant, after which period Masters of Vessels frequenting that River must make their own arrangements for procuring what assistance they may think necessary for passing the Bar.

The Flag will, however, be hoisted at the Signal Post as usual when the Bar is passable.

Cape of Good Hope, 14th June, 1826.

By Command of His Honor the Lieutenant-Governor.

(Signed) R. PLASKET, Secretary to Government.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 15th June 1826.

MY LORD,—We had intended to postpone our observations upon the assignment of a salary of one thousand rixdollars per annum to the Clergyman of Wynberg that was submitted for your Lordship's approbation by Lord Charles Somerset in the year 1823, and deferred until our general report upon the Ecclesiastical Establishment should be received; but in consequence of the circumstances in which the Clergyman continues to be placed, we have thought it right to make an exception in his favor, and as far as it depended upon ourselves to give him the benefit of such early representation as we were enabled to submit.

The Village of Wynberg, at which the Revd. Mr. Wright officiates, is situated about 8 miles from Cape Town, and has long been a place of resort for the higher ranks of the English Community, strangers as well as permanent Inhabitants, particularly during the Summer months, and a military post has existed there since the capture of the Colony, altho' it is now greatly reduced.

At one period when Wynberg was considered an important military station and a large force was maintained there, Divine Service was performed by the Military Chaplain, but since then the want of a Church Establishment has been much felt by the increasing number of the English Congregation, who cannot repair to Cape Town on Sundays.

Desirous of meeting the wishes of the Inhabitants, His Excellency Lord Charles Somerset appointed the Revd. Mr. Wright, (whose ministry had commenced in July 1821 as a Member of the Society for the Propagation of the Gospel in Foreign Parts) to act as Chaplain at Wynberg, and assigned to him a Salary of rixdollars 1000 per annum, which was announced to him in a letter from the Colonial Secretary dated 2nd July 1822. This appointment His Excellency notified to your Lordship in his Despatch of 7 July 1823, having already solicited your Lordship's sanction to the appointment of a permanent Chaplain at

Wynberg in his Despatch of the 26th September 1822; but your Lordship's reply contained no sanction for the measure, and a letter from the Colonial Secretary dated 6th November 1823 informed Mr. Wright that his salary would be discontinued from the 31st July preceding.

Another communication however dated 6th February 1824 conveyed an intimation to Mr. Wright that his Salary might be drawn to the 31st December 1823, as His Excellency had learned that on the faith of this appointment being confirmed he had hired a house for a certain period.

Mr. Wright has continued to officiate as formerly at Wynberg, and for the last two years has performed service twice on Sundays, but he has received no remuneration from the Colonial Government for his Services, and has given up his fees to the Colonial Chaplain at Cape Town. He receives indeed a stipend from the venerable Society of which he is a Member, but we conceive that this circumstance ought not to relieve the portion of the Public who benefit by Mr. Wright's services from contributing in some degree to provide him with a decent residence in the neighbourhood of the Village. The congregation of Wynberg amounts now to 150, and may be expected to increase. The appointment of a permanent Chaplain would therefore seem to be required, and we have every reason to believe that unless he is enabled to defray the expence of hiring a residence by which he may be enabled to attend to his parochial duties and especially a school that is established there, the superintendence of the religious concerns of the community will fall into the hands of the numerous Sectarian Missionaries who are more liberally provided.

As Mr. Wright has discharged the duties of Chaplain at Wynberg for upwards of three years, he may be considered to have founded some claim to be continued in that situation, and to be remunerated for the time he has performed the Clerical functions without reward since the cessation of his Salary on the 31st December 1823.

Lord Charles Somerset in His Excellency's Despatch of the 26th September 1822 has urged to your Lordship the reasons which he conceived to exist for the erection of a suitable place of worship at Wynberg, but on the consideration of this point we shall not enter on the present occasion, as it will be better

submitted to your Lordship in the general view we propose to give of the state of Ecclesiastical affairs in South Africa, and as we have only brought forward Mr. Wright's claims in consequence of the peculiar nature of his case.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE,
W. BLAIR.

[Original.]

Memorial of MR. JAMES THOMAS ERITH to EARL BATHURST.

NO. 2 BARDEN PLACE, PECKHAM,
SURREY, *June 15th 1826.*

To the Right Honorable the Earl Bathurst, one of His Majesty's
Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of James Thomas Erith sheweth

That your Memorialist transmitted to Your Lordship on the 30th Ultimo the official Documents Your Lordship was pleased to call for.

That your Memorialist has been waiting with considerable anxiety for Your Lordship's reply to those Documents, and has to entreat Your Lordship's most serious attention to his case, that a decision may take place, the situation of his Family being of so serious a nature.

And your Memorialist will ever pray.

(Signed) JAMES THOMAS ERITH.

[Original.]

Letter from MR. A. BAILIE to R. WILMOT HORTON, ESQRE.

6 MANCHESTER STREET, MANCHESTER SQUARE,

June 16th 1826.

SIR,—I would not presume to address you was it not that my son Mr. John Bailie has been upwards of six years at the Cape Colony without having received the title to the land which the Government was so good as to grant him. I shall esteem it a great favor if you will do me the honor to inform me if there are any obstructions to the titles of land being given in the colony, or if any orders have gone out respecting it.

I have &c.

(Signed) A. BAILIE.

[Original.]

Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET,

LONDON, *17th June 1826.*

SIR,—I do myself the honor to acknowledge the receipt of your note, transmitting for my consideration a Report from the Commissioners of Inquiry recommending the imposition of a tax on slaves at the Cape of Good Hope, and to state to you that altho' the argument used by the Commissioners in favour of imposing such a tax is, *in Theory*, a very plausible one, still I think it might operate in a manner that would prove extremely prejudicial to the Interests of the Colony.

The Agriculturists at the Cape are from a Succession of Visitations and Calamities reduced to the very last extremity of distress. The Seasons of Successive Rust in the Grain that they have experienced since 1820 and the violent Tempest in July 1822 reduced them to a most pitiable state when the unusual Drought of last Year, which caused almost an entire failure in the Corn, has completed the misery of their situation.

Under these circumstances I conceive that a tax on Slaves employed in Agriculture would be extremely erroneous and would oppress the very class of persons whom it is most desirable to relieve.

Supposing therefore for the sake of argument, that it is decided that it would be impolitic to impose any tax on Slaves employed in Agriculture, it is next to be considered whether it would be equitable to impose a tax *indiscriminately* on all other Slaves. When it is considered that Slave property constitutes almost the only valuable property of the Colonists, it may be a question how far a property tax bearing on one class of persons would be justifiable, and also whether in a Country where it is not practicable to procure free Servants, except at an exorbitant rate of wages and even then only persons of doubtful character, it would be fair to impose the tax without modifications, such as that Families consisting of a given number of persons should be allowed a certain number of female and a certain number of male attendants free of tax and that the tax should even then be fixed at a rate proportionable to the number of Slaves possessed.

A third subject for consideration is, whether the tax should be confined solely or principally to Slaves let out for hire. Without more local knowledge than any Documents I have here can furnish me, it is impossible to make any calculation of the diminution these various exclusions or modifications would make. I must however remark that the calculation made by the Commissioners of the profit derived from the letting of Slaves to hire is very far beyond the average price at which they are let. The ordinary price for the best laborers does not exceed from 18 to 20 Rixdollars (£1 7s. 0d. to £1 10s. 0d.) per mensem. For artificers the price entirely depends upon the expertness and proficiency of the individual and also upon the demand that may accidentally occur for artificers of a particular trade, but a tax upon Slave Artificers would only increase the Evil which now bears so hard upon the Community, by rendering the labor of necessary artificers still dearer, and which would certainly fall on the hirer of the Slave.

Under all the circumstances of the case, if I might be allowed to offer an opinion, it would be, that the Measure be referred to the Council at the Cape, to consider and report :

1st. Whether it would be expedient to impose a Tax on Slaves at all ?

2. Whether, if a Tax on Slaves be considered advisable, it will not be necessary to make certain exemptions and modifications ?

3. What those Exemptions and Modifications should be, and the amount that may be expected from the tax after those exemptions and modifications are decided upon ?

The tax proposed by the Commissioners is One Pound Sterling per head upon all Slaves between 8 and 60 years of age. The tax on Slaves at the Mauritius is, I understand, only one Dollar (about 4 Shillings) per head, being about four fifths less than that proposed for the Cape. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. MERRY, ESQRE.

DOWNING STREET, 17 June 1826.

MY DEAR SIR,—In the month of October last, I notified you by desire of Lord Bathurst that it was proposed to appoint the Reverend Mr. Ireland to the Civil Chaplaincy of Graham's Town, I now wish to be informed whether you consider Mr. Ireland to have resigned his Military Chaplaincy and whether any clergyman has been selected to succeed him at Cape Town.

Yours very faithfully,

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JOHN CARNALL.

DOWNING STREET, 17 June 1826.

SIR,—Having laid before Earl Bathurst your letter of the 12th instant, I have received his Lordship's directions to acquaint you in reply that your case is now under consideration

and that you will soon be made acquainted with his Lordship's decision on the subject matter of your complaints.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BENJAMIN WILMOT.

DOWNING STREET, 17 June 1826.

SIR,—Earl Bathurst having referred the Memorial which you addressed to his Lordship under date the 14th of April of the preceding year, for the consideration of the Governor of the Cape of Good Hope, I have received his Lordship's directions to express to you his full conviction that your complaints against the Colonial Government are entirely without foundation. With regard to any breach of faith on the part of the original conductor of the party to which you belonged, it is for you to settle the point with that Individual ; but it appears that in all the proceedings relating to your Location, the Colonial Government were guided by established precedent and the practice pursued in regard to other Settlers, especially in the matter of taking away the two Servants, as represented by you. Lord Bathurst cannot therefore hold out to you any hope of compensation either in land or in money ; the mode in which you abandoned your original location will prevent any further Grant being assigned to you ; and in regard to the Sums of money to which you lay claim, it appears that there is a claim against you from the Commissariat to which you have never adverted. With respect to the Cattle, the number of those retained out of the 7000 head captured from the Caffers, does not appear to have been sufficient to include you in the distribution ; and as you did not think proper to apply for redress to the proper legal authorities who were pointed out to you, Lord Bathurst does not see that he can with any degree of propriety give you any assurance of relief in this Country. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET, LONDON, 19th June 1826.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 5th instant, transmitting a Memorial that had been received by Earl Bathurst from James Thomas Erith and other Documents connected with the contents thereof, and requesting that I will transmit to His Lordship any observations I may be desirous to offer upon the several topics of Grievance set forth in Mr. Erith's Papers.

As it appears by the Copy of your Letter to Mr. Erith dated 13th ultimo, in which you classed that Individual's pretended grievances under five Heads, that the two first are satisfactorily answered by Captain Trappes in his Statement dated 24th January 1822, and that Lord Bathurst has decided that the 3rd and 5th are futile, it remains for me only to allude to the 4th, and I have therefore to remark that no sanction of mine was required, and it could not, consequently, be refused, for Mr. Erith to bring an action against the Landdrost, as the Law was as open to him as to any other individual. All that was denied Mr. Erith was his request that His Majesty's Fiscal should be directed by the Government to bring an action against the Landdrost : a measure totally incompatible with the Fiscal's very extensive duties and for which there is no precedent. If Mr. Erith should plead that he had not the means to carry on a Suit, he might, if he could have *proved* that assertion, have availed himself of the usage of the Colonial Law and have applied to the Court of Justice to appoint him an Advocate to carry on his Suit in formâ pauperis. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

No. 19. G. R. (Signed) Richd. Bourke.

Ordinance of His Honor the Lieutenant Governor in Council, For improving the Condition of the SLAVES at the Cape of Good Hope.

Whereas the propagation of Christianity, and the general diffusion of Religious Instruction amongst Slaves, will tend, beyond any other measure, to promote Morality amongst them, and to improve their condition and conduct : And whereas it is necessary that provision should be made for the regular attainment of these objects, within the Colony of the Cape of Good Hope and its Dependencies : And whereas the Inspector of Slave Registry hath hitherto acted as the Recorder of the Rights and Privileges of the Slave Population within the same :—It is hereby enacted and declared, That the said Inspector of Slave Registry shall be, and he is hereby appointed Registrar and Guardian of Slaves in this Colony and its Dependencies ; and that, as such Registrar and Guardian of Slaves, he shall receive and be paid at the time and in the manner hereinafter mentioned, such Salary as His Majesty shall be pleased to appoint ; and that such Salary shall commence from and after the First Day of July next ; and that, on or before that day, if possible, or, if not then, so soon after as conveniently may be, the said Registrar and Guardian of Slaves shall appear before the Governor, or Acting Governor, for the time being, and in his presence shall take and subscribe an Oath, in the following words—that is to say :—

“ I, A. B., do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the Duties of the Office of Registrar and Guardian of Slaves at the Cape of Good Hope, without fear, favor, or partiality.

“ So help me GOD.”

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the Office of Guardian of Slaves from the Office of Registrar of Slaves, and from appointing a distinct and separate Officer to act as, and to be, Guardian of Slaves, in case His Majesty should see fit so to do.

2nd. And it is hereby further enacted, That the said Registrar and Guardian of Slaves shall establish and keep an Office in Cape Town, and shall regularly attend at such Office on such days, and during such hours of the day, as the Governor, or Acting Governor, by any general or special Orders to be by him from time to time issued, may appoint ; and shall at such Office, and not elsewhere, keep, deposit, and preserve, the several Records, Books, Papers, and Writings, hereinafter directed to be kept by him.

3rd. And it is further enacted, That the said Registrar and Guardian of Slaves shall not be the Owner or Proprietor of any Slaves or Slave employed or worked upon any Estate, or in any kind of Agriculture, and shall not have any Share or Interest in, or any Mortgage or Security upon any such Estate, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for or upon any such Estate ; or to act as the Guardian, Trustee, or Executor, of any Person or Persons having or being entitled to any such Estate, or any Slaves or Slave :—And in case any such Registrar and Guardian of Slaves shall have, acquire, hold, or possess, either in his own right, or in right of his Wife, or in trust for any other Persons or Person, any such Estate situate within the Colony, or any Slaves or Slave employed or worked upon any Estate or in any kind of Agriculture, or any Share or Interest in, or any Mortgage or Security upon any such Estate or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor, as aforesaid, he shall thenceforth, *de facto*, cease to be such Registrar and Guardian of Slaves, and forfeit such his Salary, and some other fit and proper Person shall forthwith be appointed to succeed to the said Office : Provided, nevertheless, that all Acts which may be done by, or by the Order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his Office, and before the same shall, by Public Notice in the *Gazette* of the Colony, be declared void, shall be as valid and effectual in the Law, as if no such avoidance of Office had occurred.

4th. And it is further enacted, That the said Registrar and Guardian of Slaves shall be resident within the Colony, and shall not quit the same, without a Special Licence, to be granted

for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Governor, or Acting Governor, for the time being, of the Colony ; and no such Licence shall in any case be granted for any time exceeding Three Months, nor shall any such Licence be granted by any such Governor, or Acting Governor, as aforesaid, unless it shall be made to appear to him, on the Oath of some Medical Practitioner, that such absence is necessary for the recovery of the Health of the said Registrar and Guardian of Slaves.

5th. And it is further enacted, That upon the Death or Resignation of the said Registrar and Guardian of Slaves, or in the event of his Sickness, or other bodily or mental incapacity, or during his temporary absence from the Colony, it shall be lawful for the Governor, or Acting Governor, to nominate, and appoint some other fit and proper Person to act as the Deputy for the said Registrar and Guardian of Slaves, until His Majesty's pleasure shall be known ; and the said Deputy shall receive such allowance to be deducted from and out of the Salary of the said Registrar and Guardian of Slaves, as the Governor, or Acting Governor, for the time being, of the Colony, shall be pleased to appoint : Provided always, that no Person shall be appointed or be competent to act as such Deputy as aforesaid, who according to the provisions of this order, would be incompetent to act as the Registrar and Guardian of Slaves : Provided also, that the Registrar and Guardian of Slaves in the Colony, shall at all times perform his duty in Person, and not by Deputy, except only in cases in which the Governor, or the Acting Governor, of the said Colony, is hereinbefore authorised to appoint a Deputy for that purpose.

6th. And it is hereby further enacted, That the Persons who now are, or may be hereafter appointed, to act as Registrars of Slaves, in the several Districts within the Colony, shall be, so long as the two Offices of Registrar and Guardian of Slaves may be combined together, and they are hereby declared to be, Assistant Registrars and Guardians of Slaves, in their several and respective Districts, and the said Assistant Registrars and Guardians of Slaves, shall, and are hereby required in their several and respective Districts, to be aiding and assisting the Registrar and Guardian of Slaves, in the execution of the powers hereby committed to him ; and for that purpose, to

obey and carry into execution, such lawful Instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

7th. And it is hereby further enacted, That in all Actions, Suits, and Prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice, within the Colony, wherein any Slave may be charged with any offence punishable by Death, Banishment, or Transportation ; or wherein any question may arise as to the right of any alleged Slave to Freedom ; or wherein any Person may be charged with the Murder of any Slave, or with any offence against the person of any Slave ; or wherein any question may arise respecting the right of any Slave to any such Property as he or she is hereinafter declared competent to acquire, then, and in every such case, such Notice shall be given to the Registrar and Guardian of Slaves, or to his Assistants in the several Districts as the case may be, of every such Action, Suit, or Prosecution, as, according to the Law of the Colony, would be given to the said Slave, if he or she were of Free condition ; and the Registrar and Guardian of Slaves (or his Assistant, if in a Country District,) shall, and he is hereby required to attend the Trial or hearing, and all other the Proceedings in every such Action, Suit, or Prosecution, as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

8th. And whereas His Majesty is anxious to make the most effectual Provision for the Religious Instruction, and the exercise of Religious Worship, of the Slaves in the Colony, it is hereby further ordered, That all Sunday Markets shall be abolished and prohibited, and be absolutely unlawful : Provided always, that nothing herein contained, shall prevent any Individual from Selling Vegetables, Meat, or other Articles of Provision, on a Sunday, except during Divine Service. And it is further ordered, That no Slaves shall be deprived, by their Masters, of the right of attending at Church, or other Place of Religious Worship on Sundays, under a Penalty of Twenty Shillings for every such Offence, unless justifiable cause can be shewn for such prevention.

9th. And it is hereby enacted, That Sunday being com-

manded in all Christian States to be a Day of Rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any Labour, for the Profit of his or her Owner, Manager, or Employer, on the Sabbath Day ; or for any Slave to hire himself or herself to work, either to his or her Owner or Manager, or to any other Person, on the Sabbath Day ; and any Person so offending shall incur and become liable to a Fine, not exceeding Five Pounds Sterling, nor less than One Pound Sterling : Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any Work or Labour which any Slave may perform on Sunday, or the necessary Attendance upon the Person, or in the Family of his or her Owner or Employer, or in the necessary and unavoidable preservation of the Cattle or Live Stock upon any Country Place : Provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for carrying on the indispensable Labours of the Field or the Vineyard, on pressing occasions, or for the preservation of the Crops or Produce upon any Plantation or Estate in the Colony, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave, on the Sabbath Day ; and if any such Slaves or Slave shall in any such special case, voluntarily consent and agree to work upon any such Plantation or Estate, for the purpose aforesaid, nothing in this Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself (either to his or her Owner, or to any other Person), to work upon any such Plantation or Estate, on the Sabbath Day : Provided always, that no such Slave shall or may lawfully be so hired to work on the Sabbath Day, in the Service of any Person or Persons, except their, his, or her Owner or Manager, unless with the special consent in writing of such Owner or Manager : Provided also, that the Registrar and Guardian of Slaves shall, by Notices to be by him from time to time issued in the usual and most Public Manner, signify the lowest Rate of Wages at which Slaves may, during the period of Six Calendar Months next ensuing the Date of every such Notice, hire themselves, either to their respective Owners, or with the consent of their respective Owners or Managers, to work on a Sunday, for the special purpose of the preservation

of the Crops or Produce upon any Plantation or Estate in the Colony, in which Notices shall be stated the different Rates of such Wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be Field Negroes or Artificers. And no hiring of any Slave for any such special purpose as aforesaid, shall be a Legal Hiring, or shall be exempted from the Penalties of this Ordinance, unless such Slave shall actually receive and be paid for his or her own use and benefit, Wages at no less than the Rate so to be fixed by any such Public Notice as aforesaid. And it is further declared, that nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the Employment on Sunday of any Slave or Slaves as a Watchman or Watchmen, upon any Estate or Plantation, or in nursing or attendance on the Sick, or in attendance upon the Person, or in the Family of his or her Owner or Manager, or in performing or making preparations for any Interment, or in extinguishing any Fire, or otherwise in preventing any irreparable Damage or Injury to the Property of his or her Owner, Employer, or Manager; and no Slave so employed shall be entitled to any Hire or Wages for such his or her services: Provided, nevertheless, that no Slave shall be employed on the Sabbath Day in Field Labour, or in any of the ordinary Works upon any Plantation or Estate, upon the pretence or by reason that any irreparable Injury would arise from the postponement of such Labour; unless such Slave shall voluntarily engage in the same, and shall for such his Labour receive and be paid such Hire and Wages as aforesaid.

10th. And it is hereby further enacted, That every Slave within this Colony and its Dependencies, as aforesaid, shall be supplied by his or her Owner or Manager with sufficient and wholesome Food, and with good and sufficient Clothing; and in case of dissatisfaction relating thereto, appeal may be made by either party, to the Local Authority; and in case of deficiency, or bad quality of Food or Clothing being proved, then and in every such case, the Owner or Manager shall incur, and be liable to, a Penalty of Fifty Shillings for the first Offence, and of Five Pounds Sterling for a second Offence; and in case, on the contrary, the Complaint be proved to be unfounded and frivolous, the Complainant shall be condemned to such

legal Punishment as the nature of the case shall be found to require.

11th. And it is hereby further enacted and declared, That Slaves employed in Garden or Field Labour, shall not be compelled to work more than Ten Hours, in each Twenty-four Hours, from the 1st April, to the 30th September, nor more than Twelve Hours, from the 1st of October, to the 31st March inclusive, except during the Ploughing or Harvest Seasons, or on other extraordinary occasions of unavoidable necessity : Provided always, that during the Ploughing and Harvest Seasons, or in cases of unavoidable necessity, a fair remuneration be made to the Slave or Slaves, in Money or by an additional proportion of Food, at the option of the Slave, to be decided, in case of appeal, by the Local Magistrate ; and in case any Owner or Manager shall be proved to have transgressed any of the Provisions of this Clause, every such Owner or Manager shall be liable to, and incur a Penalty, not exceeding Five Pounds Sterling, nor less than One Pound Sterling.

12th. And it is further enacted, That it is, and shall henceforth be illegal for any Proprietor, or any Person employed by him or in his behalf, to inflict any Punishment on a Male Slave, beyond Twenty-five Stripes in one day, or with any Instrument of greater severity than those which now are, or hereafter may be, ordered to be used within the Prisons of the District where such Proprietor or Slave may reside ; which Punishment, is not in any case to be repeated, until the Delinquent shall have recovered from the effects of the former Correction, under a Penalty, in breach of any of the Provisions of this Clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for each offence.

13th. And it is further enacted, That from and after the publication of this Act, no Female Slave shall be liable to be publicly Flogged for any Offence ; but all Female Slaves offending against any of the existing Laws of the Colony, in cases where their Proprietors, or Persons employed by them, or in their behalf, are authorised to interfere and decide, may be punished if in health, by Solitary Confinement with or without Work, in any dry and proper place, for moderate periods, proportionate to their Offence, and in no case exceeding Three Days ; or committing any Domestic Offence, by Whipping

privately on the Shoulders, to such moderate extent as any Child of Free condition may be, and usually is punished and corrected in any School for the Education of Youth in the said Colony : Provided always, that the latter Punishment be not repeated within Twenty-four Hours, under a Penalty, in breach of any of the Provisions of this Clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for each Offence.

14th. And it is further enacted, That it shall be illegal to inflict Domestic Punishment on a Slave, by any other hand than that of the Owner, Employer, or Overseer, (not being a Slave,) except in cases where the Owners or Employers (having no Free Persons in their employ,) are Females, or infirm, or suffering under disease, or are upwards of Sixty Years of Age, under a Penalty not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling to be paid for such Offence, by the Person who shall have caused such illegal punishment to be inflicted.

15th. And it is further enacted, That should it be necessary, for the security or safety of a Family or Individual, to put a Slave in Irons, the same shall be reported within Twenty-four Hours, to the nearest Local Authority, under a Penalty of Five Pounds Sterling, stating the cause and circumstances, under which such measure may be justified ; and in default of such justification, the Owner, or Person or Persons employed by him, or in his behalf, shall be deemed guilty of Maltreatment, and subject to such punishment as is prescribed by clause 43 of this Ordinance.

16th. And it is hereby further enacted, That the Corpse of a Slave shall not be Interred without a Written Permission thereto being first obtained from the Local Authority, under whose immediate jurisdiction the Owner or Employer for the time being resides ; and any Owner, Manager or Employer of a Slave or Slaves, interring, or causing, or suffering a Corpse of any Slave in his service, to be Interred without such permission as aforesaid, shall be liable to, and incur a Penalty of not less than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, or in cases where it is not possible to procure the assistance of the Local Authority within Twenty-four Hours, it shall and may be lawful for such Owner, Manager, or Employer

of a Slave, to call in two Neighbours, who must certify in Writing (to be Sworn to when required,) the apparent Age and Sex of the Slave, the state of the Body, and the probable cause of his or her Death; the Owner or Manager of such Slave, shall, however, be obliged to forward the Certificate so obtained by him, to the Local Authority without delay. But if it shall appear by Marks on the Corpse, or from any other circumstances, that the Deceased has come to his or her Death by unfair means, the said Certificate shall be withheld, and a Report thereof be immediately made to the nearest Local Authority by the Persons so called in.

17th. And it is hereby enacted, That upon the prosecution of any Person, being the Owner, or Acting in the name or in behalf of the Owner of any Slave or Slaves, for inflicting, or causing, or procuring to be inflicted on any Slave or Slaves, any punishment hereby declared illegal, if the Slave so alleged to be illegally punished, shall be produced in any competent Court of Justice in the Colony, and if the Marks or Traces of recent Flogging or Laceration, shall appear on the Person of such Slave, and if such Slave shall, in open Court, declare such Traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, the Owner or other Person having the charge of such Slave, shall be bound to prove, either that the punishment of which the marks may be so apparent, was not inflicted by him or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order; and in default of such proof, such Owner or other Person as aforesaid, shall be convicted and adjudged to be guilty of the Offence imputed to him. And it is further enacted, That every such prosecution as aforesaid, shall be conducted by the Registrar and Guardian of Slaves, or by his Assistant, if in the Country Districts, and that it shall not be lawful for him or his Assistant, to discontinue any such prosecution, except by virtue of an Order in Writing, to be for that purpose issued, under his Hand and Seal, by the Governor, or Acting Governor, for the time being, of the Colony. But should the complaint of such Slave

prove groundless, the Slave shall be condemned to such legal punishment, as the nature of the case may require.

18th. And it is further enacted and declared, That Slaves who are not in the prohibited degrees of consanguinity, or affinity, may intermarry with their Owners' (or respective Owners') consent, had in writing, and delivered to the Local Authority ; and that the Children of such Marriages shall be the Property of the Owner of the Mother ; the same to hold good with regard to Slaves of either Sex intermarrying with Free Persons, in which case also, when the Wife is a Slave, the Children of such Marriage shall belong to her Owner.

19th. And it is further enacted, That the consent, in writing, of the Owner or Manager, or the respective Owners, Proprietors, or Managers, (as the case may be,) transmitted to the Clergyman, through the Local Authority, shall supersede the necessity of being asked in the Church, or of appearing before the Matrimonial Court, to legalize the Marriages of Slaves ; and the respective Local Authorities shall be responsible that all Marriages between Slaves are without delay enregistered, as all other Marriages are ; and that a Notification of the Marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the Country Districts, as the case may be.

20th. And it is hereby further enacted and declared, That Slave Marriages shall be celebrated in the Church on Sundays, where the Locality will permit, and that in other cases, the Clergymen shall once in Six Months appoint the most convenient Places in their respective Districts, for the purpose of marrying Slaves, and baptizing Slave Children, so as to remove the inconvenience arising from remote habitations ; which Marriages it shall be lawful for the Clergymen to solemnize, upon receiving the written consent of the Owner, or Manager, through the Local Authority, as above directed ; or, in case such written consent has been refused by the Owner, Proprietor, or Manager, upon a Licence of the Registrar and Guardian of Slaves, or his Assistants in the respective Country Districts, as the case may be, as directed in the Clause next following. And all Marriages of Slaves, and the Baptism of their Children, shall be performed without Fee or Reward.

21st. And it is hereby further enacted, That in case the Owner or Manager of both, or either of the Slaves as aforesaid

who may be desirous to intermarry, shall refuse to consent to such Marriage, or to give such written Permission for the celebration thereof as aforesaid, then and in every such case, if the Slave to be married has attained (when a Female) the age of Fifteen Years, and when a Male, the age of Twenty Years, the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, shall thereupon issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slaves, or the Persons or Person under whose direction such Slaves may be, to appear before him, by themselves or their Agents, at some convenient time and place, to be for that purpose appointed ; and if such Owner, Manager, or other Person as aforesaid, being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof that such proposed Marriage would be injurious to the well-being of such Slaves, then and in such case the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, shall, without Fee or Reward, issue a Licence under his Hand and Seal, thereby authorising any Clergyman, Minister or Public Teacher of Religion, within the said Colony, having a Licence from Government to that effect, to solemnize the Marriage of the said Slaves ; and any Marriage so solemnized shall to all intents and purposes be binding, valid, and effectual in Law ; and any Clergyman, Minister or Public Teacher of Religion, within the said Colony, having a Licence from Government to that effect, by whom any such Marriage shall have been solemnized, shall, within fourteen days next after the solemnization, transmit a Certificate thereof to the Local Authority, in order to be registered in the Records of the respective Matrimonial Courts, as all other Marriages are ; and that a notification of the Marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts, as the case may be, where separate Books must be kept for the Registry of all Slave Marriages.

22nd. And it is further enacted, That after the celebration of Marriage it shall not be lawful to sell any Slave having a Husband or Wife, who may be the property of the same Persons or Person, unless such Husband and Wife shall be sold together, and in one and the same Lot, and to the same

Person or Persons ; and if any Slave or Slaves shall be sold separate or apart from any such Husband or Wife as aforesaid, then and in every such case such Sale shall be, and the same is hereby declared to be, absolutely null in Law, to all intents and purposes whatsoever.

23rd. And it is further enacted, That it shall not be lawful to sell any Child or Children, born of a Slave Woman, within the said Colony, without his, her, or their Mother, unless such Child or Children shall have fully attained the age of Ten Years, or unless good and sufficient proof shall have been given to the Court of Justice, through the Registrar and Guardian of Slaves, that it would be for the well being of such Child or Children not to be sold along with his, her, or their Mother.

24th. And it is further enacted, That any Owner or Proprietor neglecting to cause the Children of their Christian Slaves to be baptized within Twelve Months after the Birth of such Children, and to report it within One Month after Baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts, as the case may be, shall incur and be liable to a Penalty of not less than Fifty Shillings, and not exceeding Ten Pounds Sterling, for each Offence, and shall nevertheless be compelled to have such Child or Children baptized at his own Expense.

25th. And it is hereby enacted, That the Clergymen, or Persons duly authorised to administer that Holy Sacrament, shall report Quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts, as the case may be, all Baptisms of Slaves solemnized by them.

26th. And it is further enacted, That Christian Slave Owners or Employers residing in Cape Town and other Towns and Villages, and their immediate vicinity, in the Colony, where Free Schools are or may be established, shall send their Slave Children, above three years and under ten years of age, at least Three Days in each Week, to any such Free Schools ; and those whose Residence will not permit them to afford this consoling advantage to their Slave Children, are earnestly recommended and invited to avail themselves of any other means, which may offer within their reach for giving them instruction.

27th. And it is hereby further enacted, That separate Books shall be kept in the Offices of the Registrar and Guardian of Slaves, and of his Assistants in the respective Country Districts, of all Baptized Slaves, specifying their Ages, Sex, Date of Baptism, and by whom baptized.

28th. And it is hereby further enacted and declared, That no Person in the Colony, being in a state of Slavery, shall be, or be deemed or taken to be, by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate or dispose of Property, but every such Slave shall, and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate and dispose of Lands situate in the Colony, or Money, Cattle, Implements or Utensils of Husbandry, or Household Furniture, or other Effects of such or the like nature, of what Value or Amount soever, and to bring, maintain, prosecute, and defend any Suit or Action in any Court of Justice, for or in respect of any such Property, as fully and amply, to all intents and purposes, as if he or she were of Free Condition.

29th. And whereas a Saving Bank is already established in the Colony, and it is expedient that Provision should be made for giving the fullest effect to the same, it is hereby enacted, that Interest at and after the rate of Four per Centum per Annum shall be allowed upon the Amount of every Sum of Money (not less than Twenty-five Shillings) which may be deposited in any Saving Bank; which Interest shall be a Charge upon the General Revenues of the Colony: And any Slave making any Deposit of Money in any such Saving Bank, shall be at liberty to make a Declaration of the Manner in which, and the names of the Person or Persons to whom, in the event of his or her Death, the Amount of his or her Contributions to the said Saving Bank shall be paid, applied, and disposed of; and such Declaration shall be recorded in a Book to be kept for that purpose at the Saving Bank where such Deposit may be made; and upon the Death of the Slave making such Declaration, the same shall, in the absence of any other Last Will, be deemed and taken to be the Last Will and Testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the Collection, Preservation, and Distribution thereof; the same to be free from all manner of

Charge, Fee, or Duty : And in case any such Slave shall marry after having made any such Declaration, such Marriage shall be, and be deemed and taken to be, a Revocation, in the Law, of such Declaration.—And it is further enacted, That in case any Slaves or Slave in the Colony shall die intestate, and without having made any such Declaration as aforesaid, which may remain unrevoked at the time of his Death, then and in every such case, the Property of such Slave shall go and be disposed of by the Orphan Chamber, to and in favour of such Persons or Person, as by virtue of the Laws of the Colony then in force, may be entitled to any such Property.—And it is further ordered, That in case any Slaves or Slave die intestate, and without having made such Declaration as aforesaid, and have no Relations entitled to their Succession, then and in every such case, the Property shall be paid by the Orphan Chamber into a Fund formed in the Colony, for the Purchase of such Female Slave Children, as shall appear to the Committee, appointed by Proclamation of the 18th March, 1823, to manage that Fund, to be most deserving of such Consideration ; and the Price to be paid for any Female Slave or Slaves, whose Freedom may be thus purchased, shall be fixed according to their actual Value, by two Arbitrators, after being duly sworn to act impartially—one to be chosen by the Owner of the Slave, and the other by the Registrar and Guardian of Slaves, with power to the Court of Justice to name an Umpire in case of difference, who shall be duly sworn for that purpose, and whose Award shall be final.

30th. And it is further enacted, That the Saving Banks throughout the Colony shall, as far as the Deposits of Slaves are concerned, and for which distinct Books shall be kept, be under and subject to the Control and Inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective Country Districts, as the case may be,—and that the Governor, or Acting Governor for the time being, shall be, and he is hereby authorised to appoint such proper and necessary Officers, and to make such Rules and Regulations, as may be best adapted for managing the business of the said Banks, and for ensuring Order and punctuality therein, and for preventing any misapplication of the Monies therein to be deposited : Provided that such Rules and Regulations be not repugnant

to this present Ordinance ; and that the same be forthwith transmitted for His Majesty's Approbation, through one of His Majesty's Principal Secretaries of State.

31st. And it is hereby further enacted, That no Deposit of Money shall at any one time, or within any one week, be received at any of the said Saving Banks, from any Slave, exceeding the sum of Fifty Shillings in the whole, unless such Slave, at the time of tendering any such Deposit, shall produce the Consent in writing of his Owner or Manager, to such Deposit being made ; and in case any Slave shall be desirous at any one time, or in any one week, to make any such Deposit of Money, exceeding the sum of Fifty Shillings, and the Owner or Manager of such Slave shall refuse his Consent to such Deposit being made, then and in every such case, the Registrar and Guardian of Slaves, or his Assistant, in the respective Country Districts, as the case may be, shall, upon application made to him for that purpose, issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slave, or the Persons under whose direction such Slave may be, to appear before him, by themselves or their Agents, at some convenient time and place, to be for that purpose appointed ; and if such Owner or Manager, or other Person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, or appearing, shall fail to lay before him good and sufficient cause why such Deposit ought not to be made, then, and in every such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, shall issue an Order, under his Hand and Seal, requiring the Manager of the Saving Bank, to receive the amount of such Deposit, and the same shall be received by him accordingly.

32nd. And it is further enacted, That no Duty, Tax, or Impost, of any nature or kind whatsoever, and that no Fee of Office, shall be hereafter paid or payable within the said Colony, upon, for or on account, or in respect of the Manumission of any Slave, or the enrolment or registration of any Deed of Manumission ; and if any Person within the said Colony, shall hereafter take, demand, or receive any such Tax, Duty, Impost, or Fee of Office, the Person so offending, shall incur and become

liable to the payment of a Fine, not exceeding Twenty Pounds Sterling, and not less than Five Pounds Sterling.

33rd. And it is hereby further enacted, That in case any Slave within the said Colony, shall be desirous to purchase the Freedom of himself, or of his or her Wife or Husband, or Child, or Brother, or Sister, it shall and may be lawful, to and for any such Slave to purchase the Freedom of himself or herself, or of any such other Person as aforesaid: Provided always, that every such Slave, who shall be desirous so to purchase the Freedom of himself or herself, or any such Person as aforesaid, shall be able to prove, and shall actually have proved, to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistant in the respective Country Districts, that the Money or other Property by which he or she has been enabled to make such purchase, has been acquired by him or her by lawful means; and if under such *proviso*, the Owner of any such Slave shall be unwilling to effect his or her Manumission, or shall, by reason of any Mortgage, or other charge upon or interest in such Slave being vested in any other Person or Persons, be unable to execute a valid and effectual Manumission of such Slave, or if the Owner or any other Person having an interest in any such Slave, shall be a Minor, or a Married Woman, or Idiot, or Lunatic, or if the real and true Owner of any such Slave shall be absent from the Colony, or shall not be known, or if any Suit, or Action shall be pending in any Court of Justice in the Colony, wherein the Title of the said Slave, or the right to his or her Services shall or may be in controversy, or if the Owner of any such Slave shall demand, as the price of his or her Freedom, a greater Sum of Money than may be the fair and just value thereof, then, and in each, and every of the cases aforesaid, the Court of Justice of the Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a Summons under their Hands and the Seal of the Court, requiring the Owner or Manager of such Slave, or the Persons or Person under whose direction such Slave may be, to appear before it by themselves or their Agents, at some convenient time and place, to be for that purpose appointed; and Notice shall also be published by the said Registrar and Guardian of Slaves, in the *Public Gazette* of the Colony, on Three several Days, of the time and place appointed for the

purpose aforesaid ; and in such Notice, all Persons having, or claiming to have, any Title or Interest in, or to, the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attorney, Trustees, or Executors of any other Person, shall be required to attend and prefer such Claim.

34th. And it is hereby further enacted, That at the time appointed for any such Meeting as aforesaid, the Court of Justice of the Colony, in the presence of the Registrar and Guardian of Slaves, and also in the presence of the Owner or his Representatives, or Manager of the Slaves or Slave proposed to be manumitted ; or upon proof being made to it on Oath, of the due Service and Publication of such Notice as aforesaid, then, if necessary, in the absence of such Owner or Manager, shall proceed to hear, in a summary way, what may be alleged by the Registrar and Guardian of Slaves, and by the Owner or Manager, or other Persons claiming any Interest in the Slave proposed to be manumitted ; and in case the Parties, or any of them, shall refuse to effect any such Manumission ; or if it shall appear to the said Court, that a valid and effectual Manumission of any such Slave cannot legally be effected by Private Contract ; or if it shall be made to appear to the said Court, that the Owner of any such Slave, or that any Person having any Charge upon, or Interest in, him or her, is a Minor or a Married Woman, or Idiot, or Lunatic ; or that the real and true Owner of any such Slave, or that any Person having any Charge upon, or Interest in, him or her, is absent from the Colony, or is unknown, or cannot be found ; or that any Suit or Action is pending in any Court of Justice in the said Colony, wherein the title to the said Slave, or the right to his Services, is in Controversy ; or if it shall appear to the said Court, that any difference of opinion exists between the Registrar and Guardian of Slaves in the Colony, and the Owner of any such Slave, respecting his or her Price or Value—then, and in every such case, the said Court shall require the Registrar and Guardian of Slaves, and the Owner, Manager, or Person having the direction of any such Slave, each to nominate an Appraiser of his or her Value ; and the said Appraiser being first duly sworn before the said Court to make a fair and impartial Appraisalment, shall, within seven days next after such their appointment, make a joint Valuation of the Slave proposed to

be manumitted, and certify such their Valuation to the said Court, under their Hands and Seals : And in case such joint Certificate shall not be delivered to the said Court within the said term of seven days, then the said Court shall itself nominate an Umpire between such Appraisers ; and the said Umpire being duly sworn, shall, within the next seven days, certify his Valuation, under his Hand and Seal, to the said Court, and the Valuation to be made in manner aforesaid, either by the said joint Appraisers, or in their default, by the said Umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Slave Registry, of the Colony.

35th. And it is hereby further enacted, That upon payment to the Receiver-General, or Treasurer of the Colony, of the appraised Value of any such Slave as aforesaid, after deducting therefrom the Expense of the Appraisement to be allowed by the said Court, the said Receiver-General, or Treasurer, shall grant to the Registrar and Guardian of Slaves a Receipt for the Money so to be received by him ; and such Receipt shall be duly enrolled in the Office of Slave Registry in the Colony, together with a Declaration under the Hand and Seal of the said Court, that the Proceedings required by Law for the Manumission of the Slave, by or on behalf of whom such Money was paid, had been duly laid before it, and thereupon such Slave shall be, and be deemed taken and reputed to be, Free to all intents and purposes whatsoever.

36th. And it is hereby enacted, That in all cases where such Appraisement shall be made by reason of the refusal of the Owner or Owners of any such Slave to effect his or her Manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the Owner or Proprietor of any such Slave respecting his or her Price or Value, the Expenses of such Appraisement shall be equally borne by, and divided between, such Owner or Proprietor and the Slave proposed to be manumitted. And in all cases where such Appraisement shall be made by reason of the inability of the Owner or Proprietor to effect a valid Manumission by private Contract ; or by reason of the Minority, Coverture, Idiocy, or Lunacy of such Owner or Proprietor ; or by reason of the absence from the Colony of any such Owner or Proprietor, or other Person having a charge upon the said Slave ; or by reason

that any such Owner or Proprietor is unknown, or cannot be found, or by reason of the pendency in any Court of Justice in the Colony of any Suit or Action wherein the title to the said Slave, or the right to his or her Services is in Controversy : then, and in all such cases, the Expenses of the said Appraisement shall be equally divided between the Slave proposed to be manumitted and the Owner or Proprietor, or other Persons having any charge upon, or interest in, him or her ; and such last-mentioned Moiety of the said Expenses shall be deducted from the Money arising from the Manumission of the Slave, before the investment thereof in the manner directed in and by this Ordinance.

37th. And it is further enacted, That the Money to arise from the Manumission of any Slave, by virtue of the Proceedings before-mentioned, shall and may be laid out and invested, under the Authority of the Court of Justice, on the application of any Person or Persons interested therein, in the Purchase of any other Slave or Slaves ; or if no such application be made, then such Money shall remain in the hands of the Receiver General, or Treasurer of the Colony, and shall be the Property of the Persons who were the Proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such and the same Uses, Trusts, Limitations, Conditions, Mortgages, Claims and Demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under or subject unto, at such the time of his, her, or their Manumission ; And the said Receiver-General, or Treasurer, shall hold the said Money, subject to such Orders as the said Court of Justice may, upon a summary application of any Person interested therein, see fit to make ; and such Money shall, by the said Receiver-General, or Treasurer, be paid, applied, and disposed of, in pursuance of, and obedience to, any such Order.

38th. And it is hereby further enacted, That before the Manumission of any Slave, by Virtue of any Private Contract for that purpose, between such Slave and his Owner, notice of such intended Manumission shall, by the Owner of such Slave, be given in writing, to the Registrar and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain, that such Owner has good right and title in the Law, and is

competent to effect such Manumission ; and the said Registrar and Guardian of Slaves shall also, without Fee or Reward, prepare the proper Deed of Manumission, and the same shall, in all cases, be executed in the presence of the said Registrar and Guardian of Slaves, or of some proper Witness, to be by him appointed for that purpose ; and being so executed, shall by such Registrar and Guardian of Slaves, be enrolled in the Office of Slave Registry, in the Colony, within one Calendar Month next after the date and execution thereof ; and in case any such Deed shall not be Registered at the said Office of Registry, within the said period of one Calendar Month, the said Registrar and Guardian of Slaves shall incur, and be liable to the payment of a Fine, not exceeding Fifty Pounds Sterling, nor less than Ten Pounds Sterling, such Fines to be sued for, and recoverable by His Majesty's Fiscal, in the Full Court of Justice.

39th. And whereas by the Usages in the Courts of Judicature in the Colony, Persons in a state of Slavery have hitherto been reputed competent, in Law, to be admitted as Witnesses in Criminal Cases, as well as in Civil Proceedings ; and whereas it is expedient, that the said Custom should be recognized and established by Law, it is therefore enacted and declared, That no Person shall henceforth be rejected as a Witness, or considered as incompetent to give Evidence, in any Court of Civil or Criminal Justice in the Colony, by reason of his or her being in a state of Slavery, if such Witness be sufficiently instructed in the principles of Religion, to understand the nature and obligation of an Oath ; Provided, nevertheless, that no Person being in a state of Slavery, shall be admitted to give Evidence in any Civil Suit or Action, in which his or her Owner is directly concerned ; and provided also, that nothing herein contained, shall extend to take away or diminish any power and authority, which any Court of Criminal Jurisdiction in the Colony now hath to admit in any case, the Evidence of Persons being in a state of Slavery ; Provided also, that nothing herein contained, shall extend, or be construed to extend, to render any Slave a competent Witness in any Case, in which such Slave would be incompetent to give Evidence, if he or she were of Free condition.

40th. And it is hereby further enacted, That the Salary of the Registrar and Guardian of Slaves, shall, by him, be taken

and received in lieu, and in full satisfaction, of all Fees, Perquisites of Office, Advantages and Emoluments whatsoever ; and that if he the said Registrar and Guardian of Slaves, shall take or receive, directly or indirectly, any Fee, Perquisite of Office, Advantage or Emolument, other than his said Salary, for and in respect to any act, matter or thing done or performed by him, in the execution of such his Office, he shall incur, and become liable to the payment of a Fine, equal to twice the amount of what he may so receive, and shall moreover, become disqualified from holding such his Office.

41st. And it is hereby further enacted, That the said Registrar and Guardian of Slaves, shall, on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each Year, deliver to the Governor, or Acting Governor for the time being, of the Colony, a Report in Writing, exhibiting an account of the manner in which the Duties of such his Office, have been performed during the half year next preceding the date of such his Report ; and especially stating the number of the Actions, Suits and Prosecutions, in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the Proceedings therein, and the particulars of all the Returns, which, by Virtue of this Ordinance, may have been made to him by the Assistant Registrars and Guardians of Slaves, within the Colony ; and the names of the Persons, if any, against whom any Criminal Prosecution may have been instituted, under and by Virtue of this Ordinance, together with the number of Licences, which may by him have been granted for the Marriage of any Slaves, with the number of Marriages appearing to have been solemnized in pursuance thereof, together with the amount of the Sums of Money deposited in the Saving Banks, in the said Colony ; and also, a statement of the names of all the Slaves Manumitted under the Authority of this present Ordinance ; and the Governor, or Acting Governor, for the time being, of the Colony, shall, thereupon, administer to the said Registrar and Guardian of Slaves, an Oath, that such Report contains a true and accurate Statement of the several matters and things therein referred to ; and when, and so soon as the said Registrar and Guardian of Slaves shall have made such his half yearly Report, and shall, in manner aforesaid, have been Sworn to the

truth thereof, then, and not before, the said Governor, or Acting Governor, shall issue to the said Registrar and Guardian of Slaves, a Warrant for the amount of his Salary, to be paid half yearly, for the half year next preceding the date of such Report; and the said Governor, or Acting Governor, shall, and he is hereby required, by the first convenient opportunity, to transmit such Report as aforesaid, to His Majesty's Principal Secretary of State, having the Department of the Colonies.

42nd. And it is further enacted, That if the Registrar and Guardian of Slaves, or any of his Assistants in the several Districts of the Colony, or any other Person, shall wilfully and fraudulently make, or cause or procure to be made, any Erasure or Interlineation in any of the Books, Records, or Returns, or shall wilfully make, or cause or procure to be made, any false Entry in any such Book, Record, or Return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or any of them, or any part thereof, the Person or Persons so offending, shall be liable to the payment of a Fine, not exceeding One Hundred Pounds Sterling, and not less than Fifty Pounds Sterling, and shall be disqualified from holding any such office: And the said Penalties shall be sued for, if in the case of the Registrar and Guardian of Slaves, by His Majesty's Fiscal, in the Full Court of Justice; and if in the case of any of the Assistants of the said Registrar in the Country Districts, by the respective Public Prosecutors, before the several Boards of Landdrosts and Heemraden.

43rd. And it is further enacted, That Maltreatment of a Slave by the Proprietor, not attended with Death, shall be punished by Fine, Imprisonment, Banishment, or other Sentence of the Law, by any of the competent Courts in the Colony, according to the nature of the Case, and the degree of Cruelty exercised, and the Slave so maltreated shall be publicly sold for the account of the Owner; but under special condition of never coming again into his power, or into that of his Parents, Children, Brothers, or Sisters: And in case any Person shall be convicted of any cruel and unlawful Punishment to any Slave, the said Courts shall, and are hereby authorised, at their discretion, to declare the Right and Interest of the Person so convicted, in and to any such Slave, to be absolutely forfeited

to His Majesty ; But when the Maltreatment of a Slave has been attended with Death, the Court, in giving Judgment, shall be guided by the Law applicable to Homicide.

44th. And it is further enacted, That if any Person shall be twice convicted before any Tribunal in the Colony, of inflicting upon any Slave or Slaves any cruel and unlawful Punishment within the meaning of the preceding Section of this Ordinance, the Person so convicted shall, in addition to the Penalties thereinbefore mentioned, be declared by the Court before which such second Conviction may take place, absolutely incapable, in the Law, to be the Owner, or to act as the Manager, Overseer, or Superintendant of any Slaves or Slave within the Colony : And all and every the Slaves or Slave, of which, at the time of such second Conviction, any such Person may be the Owner, shall be publicly sold for his account, under special condition of never coming into the power or under the control of his Parents, Children, Brothers, or Sisters.

45th. And it is further enacted, That Maltreatment of a Slave by the Overseer or Representative of the Owner or Proprietor, or by any other Individual, not being the Owner or Proprietor of such Slave, shall be punished as if the same had been inflicted on a Free Person, placed under the superintendence or direction of such Overseer, Representative, or other Individual.

46th. And it is further enacted, That all Complaints shall be brought, and all Penalties incurred under the provisions of this Ordinance, shall be sued for and recovered (except where otherwise directed by the same), if in the Country Districts, before the several Boards of Landdrost or Resident and Commissioned Heemraden ; and if in Cape Town and the District thereof, before the Permanent Sitting Commissioner ; and on recovery, shall be disposed of as follows, viz. : One-third to the Informer, and Two-thirds to the Fund specified in Clause 29 of this Ordinance, for purchasing the Freedom of Female Slave Children.

47th. And whereas by the Provisions of this Ordinance, for the Improvement of the Condition of the Slaves in the Colony, it is not intended to infringe on the lawful Rights of their Owners to the Property in their Slaves, or of any other Person or Persons interested in their Value, it is hereby declared, That none of the said Provisions shall be deemed to affect in

any degree the lawful Right of Property of the Owners in their Slaves, or any just Claims to their Services.

48th. And it is hereby further enacted and declared, That whenever any Slave or Slaves, or any Right or Interest in any Slave or Slaves, shall, upon the Conviction of any Person or Persons, in the manner in this Ordinance mentioned, become forfeited to His Majesty, His Heirs and Successors, such Forfeiture shall not be carried into effect by the actual Seizure or Sale of the Property so forfeited, until the Particulars and Circumstances of the Case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal Pleasure therein: Provided, that pending any such Reference to His Majesty, such forfeited Property shall be, and remain, legally vested in Him, subject to be divested in case His Majesty shall be graciously pleased to remit any such Forfeiture.

49th. And it is further enacted and declared, That no such Forfeiture as aforesaid to His Majesty, of any Slave or Slaves, or of any Right or Interest in any Slave or Slaves, shall, or according to the true intent and meaning of this Ordinance doth in any way diminish, affect, or take away, the Right or Interest of any Person or Persons to, or in, any such Slave or Slaves, other than and except the Person or Persons, upon the conviction of whom any such Forfeiture may be incurred.

50th. And it is further enacted, That this Ordinance shall take effect, and be in force, from and after the 1st day of August next.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope, this 19th Day of June, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *June 21st 1826*

MY LORD,—I have to acknowledge the receipt of your Lordship's despatch of the 25th February last, No. 245, addressed to Lord Charles Somerset, covering the draft of an Ordinance for bettering the condition of slaves within this Colony, and have the honor to inform your Lordship that in obedience to the instructions contained in the despatch, I lost no time in laying the draft before Council, by whom the Ordinance has been passed with some trifling amendments having reference to the Criminal Courts in which offences against this statute are to be prosecuted, and to the time at which its operation is to commence. On this latter amendment I have to offer some explanation

Your Lordship directed in the despatch that the Ordinance should be forthwith promulgated and returned to your Lordship for His Majesty's approval, and the Ordinance itself contained in the 50th Section a provision by which its operation was to be deferred until one month after the intimation of its approval had been received by the Governor and by him proclaimed in the Colony. By this arrangement the Statute would have remained inoperative for a period probably not less than seven or eight months after the promulgation. The Council having taken the tenor of your Lordship's despatch into consideration, and weighing the great inconvenience which might result from leaving as a dead letter for so long a period a statute of this description and character, defining the rights and regulating the treatment of so large a portion of the population of the Colony, determined upon the expediency of bringing it into operation with as little delay as possible, and have accordingly fixed its commencement for the 1st of August next. The Council are led to believe that they have best fulfilled your Lordship's intentions by this determination, conceiving that the 50th Section was a transcript of that which was properly inserted in the document when it stood as an Order of the King in Council, but retained probably thro' inadvertence of

the transcriber as part of the Ordinance to be promulgated in the Colony.

They would however have adhered strictly to the letter of your Lordship's despatch, but for the following reasons, which are entered as a Minute of Council.

“ Resolved that the 50th Section of the draft of this Ordinance as transmitted by Earl Bathurst in his Despatch of the 20th February last appears to have been taken from the draft of the Order in Council forwarded from hence, and to be in contradiction to His Lordship's expressed intentions, His Lordship's despatch requiring the immediate promulgation of the Ordinance, whilst the 50th Section, if enacted, will delay its operation for an indefinite period, nor does any advantage appear likely to result from such delay, as the approbation of His Majesty's Secretary of State to the provisions of the Ordinance has been already communicated in the Despatch ; but, on the contrary, the Council are unanimously of opinion that to enact and promulgate the Ordinance with the restriction contained in the 50th Section would be productive of serious inconvenience to the Colony, as the Owners of Slaves not friendly to the provisions of the proposed law would have an opportunity afforded them of impeding its operation, and bringing it into disrepute, and the slaves for whose benefit it is intended would submit very unwillingly to the contravention of any of the beneficial regulations to which, notwithstanding, it would not be in the power of the executive Government to compel obedience.

“ Resolved therefore, that the following amendment to the 50th Section be now adopted :

“ And it is further enacted that this Ordinance shall take effect, and be in force, from and after the first day of August next.”

I have now the honor to enclose a copy in English of the Ordinance, which will be formally published, as soon as it has been translated into Dutch, and in the meantime arrangements are making in the several offices throughout the Colony for carrying its provisions into effect. I should observe that it is a measure which will occasion a considerable sensation in the Colony by some of its enactments, but I have no doubt that good feeling will ultimately prevail, and that the Slave Owners of the Colony will generally acquiesce in the wisdom and benevo-

lence of the regulations, more especially as the treatment of slaves in this Settlement has been for many years mild and considerate. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

[*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, *June 22nd 1826.*

MY LORD,—I have the honor to inform your Lordship that in a late communication from His Majesty's Commissioners of Inquiry I have been called upon to adopt some early measure for the regulation of the Government Slave Lodge. The Commissioners on this occasion have considered the subject with reference to finance only, but under every view of the case I am bound to admit that the Government Slave Lodge in this Town is an Establishment which demands immediate attention. The Slaves however having been purchased from the Prize Agents in the year 1806 by order of Major-General Sir David Baird for military employment, I do not feel myself at liberty to break up or reduce this Establishment without your Lordship's authority. I have, however, as a preparatory measure ordered a general muster of Government Slaves, and enclose for your Lordship's information a Return setting forth the particulars of their situation and their capability of providing for themselves if manumitted.

I submit to your Lordship the propriety of giving freedom to all those who are able to earn their own bread, and of continuing the use of the Lodge as a Hospital of charity to those sickly and worn out Individuals who are not capable of labour. I would further propose that the children whom the parents would not wish to remove should be maintained until of an age to be apprenticed, and then placed for seven years with Tradesmen in Cape Town with a view of augmenting the number of handycraft operatives, who are I think even more wanted than free servants. It is proposed that the expense of supporting the old and infirm Slaves should continue to be

borne as at present by the Military Chest. The whole charge of the Slave Lodge on the Chest for 1825 amounted to £1,107 13s. 4*l*. and on the Colony to £722 16s. 3*d*., making altogether an expenditure of £1,830 9s. 7*d*.

I should state to your Lordship that the proposed measure, whilst it would relieve the military chest from a considerable part of its expense, would increase the charge on the Colony. The greater number of these Slaves, as your Lordship will perceive by the Returns, are employed in the houses or gardens of the Government Residences, and I am correct in stating that without the assistance thus obtained it would be impossible for a Governor to keep up these Establishments upon his present income of ten thousand pounds a year, and that compensation for the loss of their services will be required in some way or other. It is true that the work performed by these persons bears no sort of proportion to the number employed ; but this I believe is invariably the case where slave labour is used, and in the present instance there being no Household Establishment allotted to the Governor, the management of these Slaves is committed to incapable or careless persons, from which has probably arisen the opinion universally pronounced, that the Government Slaves are the most profligate and discreditable in the Colony. The Commissioners admit the necessity of providing for this proper maintenance of the Government Residences, and I have intimated that any proposal to this effect will best come from them. In the mean time I would entreat your Lordship's permission to begin the reformation of the Slave Lodge by gradually giving freedom to those who can obtain sufficient employment, and by apprenticing such children as are of a proper age.

I have further the honor to enclose a Return of Prize Apprentices in the employment of Government, whose latest period of service will expire in 1830. Four persons of this description, whose time expired on the 20th of last month, have been discharged at their own request. These apprentices were part of the cargo of the ship *Restaurador* condemned here in 1812, the negroes being indentured by the Collector of Customs under authority of an Order of the King in Council. They had been allotted in various proportions to the Government, the Civil Servants, and Clergy of the Colony, the Military, Navy, and

Individuals, and previously to the 20th May last, on which day their apprenticeship expired, I took every possible means of informing all those remaining in the Colony of the period when they were to be released from their engagements and at liberty to seek their livelihood in the manner most agreeable to them. The whole number apprenticed in 1812 appears to have been 341, of which 136 are reported as having obtained their passports describing their persons and declaring them to be free. There are probably many more in the Colony who have not yet demanded their passports, and some who may be kept in ignorance of their rights ; but from the enquiries I have caused to be instituted I think the proportion of the latter must be small. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]
List of Government Slaves. Males.

Name.	Age.	State of Health.	Married or Single.	Number of Children.	Occupation.	Remarks.
1. April . 2. Alexander .	36 40	Good Worn out .	Married do.	None . Two .	Labourer at Newlands . Labourer in Government Gardens.	Able to support himself. Not able to support himself. A tailor by trade. 1 daughter named Leah, aged 14 years. 1 daughter named Sarah, aged 8 years, by Taboura, slave of Mr. Loedolf Senior, not chargeable to Government.
3. Anthony 1st . 4. Anthony 2nd .	46 50	Good Worn out .	Single . do.	None . do.	do. Scavenger in the Slave Lodge.	Able to support himself. Not able to support himself.
5. Bensara . 6. Camboer . 7. Wm. Williams	67 50 39	do. Good do.	Married Single Married	do. do. Three	do. do. Labourer Commissariat .	Able to support himself. Able to support himself. A tailor by trade. 1 daughter, named Elizabeth, described amongst the female Government Slaves, No. 6. 1 son, named David, described No. 6 Government Male Slave Children. 1 son, named William, described No. 8 Government Male Slave Children.
8. Cuttloe . 9. Tehinga .	56 44	do. do.	Single . do.	None . do.	Grave Digger . Labourer Commissariat .	Could support himself. Not able to support himself.

List of Government Slaves. Males. --continued.

Name.	Age.	State of Health.	Married or Single.	Number of Children.	Occupation.	Remarks.
10. Cesar .	61	Good	Married	None .	Executioner, Cape Town	Able to support himself.
11. Daniel .	33	Worn out .	Single .	do .	Labourer, Slave Lodge .	Not able to support himself.
12. Edmund .	12	Good .	—	—	Labourer, Newlands .	Able to support himself. Refer to the Mother No. 20.
13. Friday .	46	do.	Single .	do .	Blacksmith, Cape Town .	Able to support himself.
14. Gert .	26	do.	do .	do .	Stable boy, Newlands .	Able to support himself. Refer to the mother No. 34.
15. Henry .	14	do.	do .	do .	Labourer, Government Gardens.	Able to support himself. Refer to the mother No. 11.
16. Hendrik .	39	do.	Married	One .	Labourer, Newlands .	Able to support himself. I daughter, named Flora, described No. 1
17. Jurie .	50	do.	Single .	None .	Labourer, Government House.	Female Children of Prize Apprentices.
18. Johannes .	36	Bad .	do .	do .	Chimney Sweeper, Cape Town.	Able to support himself. do.
19. January .	72	Worn out .	do .	do .	Invalid, Slave Lodge .	Not able to support himself.
20. Jacob .	40	Good	Married	Five .	Carpenter, Cape Town .	Able to support himself. I daughter named Jacoba, aged 15 years, I son, named Frederic, aged 8 years, I son, named Jacob, aged 6 years, I daughter, named Marytje, aged 4 years, I son, named Frans, aged 2 years, by Annetje, a free woman, free, and not chargeable to Government.

21. John	.	36	do.	.	do.	Three	Tailor, Slave Lodge	Able to support himself. 1 daughter named Eva, aged 6 years, 1 son, named Louis, aged 4 years, 1 daughter, named Leentje, aged 3 years, by a bastard Hottentot Leentje, free, and not chargeable to Government.
22. Joakee	.	40	Good	.	do.	None.	Labourer, Newlands	Able to support himself.
23. Jack	.	46	Sickly	.	do.	do.	Labourer, Camp's Bay	Not able to support himself.
24. Kandambo	.	58	Good	.	Single	do.	Labourer, Newlands	do.
25. Kommikolloa	.	43	do.	.	do.	do.	Labourer, Major Rogers.	Able to support himself.
26. Kekweele	.	40	do.	.	do.	do.	Labourer, Commissariat	Not able to support himself.
27. Kelowe	.	50	do.	.	do.	do.	Labourer, Slave Lodge	do.
28. Kupido	.	50	do.	.	do.	do.	do.	do.
29. Koewelleela	.	45	Sickly	.	do.	do.	Scavenger, Slave Lodge	do.
30. Lambo	.	55	Bad	.	Married	do.	Invalid, Slave Lodge	do.
31. Lysaffeko	.	50	do.	.	Single	do.	Labourer, Newlands	do.
32. Laivanner	.	50	do.	.	do.	do.	Scavenger, Slave Lodge	do.
33. Lendst	.	35	Sickly	.	do.	do.	Mason at Newlands	Able to support himself.
34. Martia	.	30	Good	.	Married	Two	Labourer, Government Stables.	Able to support himself. 1 son, named Prince, aged 12 years, by Delphina, slave of Mr. Rice, not chargeable to Government, 1 son, named Jonas, aged 10 years, by Clara, Government Prize Apprentice at Grootte Post.
35. Marthinus	.	34	do.	.	Single	None.	Labourer, Commissariat	Able to support himself.
36. Manohay	.	45	Sickly	.	do.	do.	do.	Not able to support himself.
37. Michael	.	12	Good	.	—	—	Labourer, Newlands	Able to support himself. Refer to the Mother No. 36.
38. Nicholas	.	16	do.	.	do.	do.	House Boy to the Director of the Slave Lodge.	Able to support himself. Refer to the Mother No. 35.

List of Government Slaves. Males.—continued.

Name.	Age.	State of Health.	Married or Single.	Number of Children.	Occupation.	Remarks.
39. Makoooy .	45	Good	Single	None .	Labourer, Commissariat	Not able to support himself.
40. Nacoleppe .	50	Sickly	do.	do. .	Labourer, Newlands .	do.
41. Nasinota .	60	do.	do.	do. .	Labourer, Government Gardens.	Not able to support himself.
42. Petjoe .	18	Good	do.	do. .	House Boy, Government House.	Able to support himself. Refer to the Mother No. 15.
43. Rond .	45	Sickly	do.	do. .	Labourer, Camp's Bay .	Not able to support himself.
44. Robert .	13	Good	—	—	Labourer, Newlands .	Able to support himself.
45. Rymisse .	40	Sickly	do.	do. .	Scavenger, Slave Lodge .	Not able to support himself.
46. Rammerie .	40	do.	do.	do. .	Labourer, Camp's Bay .	Able to support himself.
47. Rodoesaf .	60	Good	Married	do. .	Labourer, Newlands .	Not able to support himself.
48. Sangola .	58	do.	do.	do. .	do.	do.
49. Tysko .	68	Sickly	Single	do. .	House Boy at Newlands	do. Bears a good character.
50. Tsumalie .	65	do.	do.	One .	Labourer, Newlands .	Not able to support himself. I daughter, named Celia, aged 30 years, by Hoveelo, late a Government slave, free, and not chargeable to Government.
51. Tahak .	50	Tolerable .	do.	None .	do.	Not able to support himself.
52. Tsamarie .	50	Good .	Married	do. .	Labourer, Government Gardens.	do.
53. Tsihombo .	50	Sickly	Single	do. .	Labour, Commissariat .	do.
54. Thorando .	60	do.	do.	do. .	Invalid, Slave Lodge .	do.
55. Thomas .	37	do.	do.	do. .	do.	do.
56. William 1st	70	Good	Married	do. .	do.	do.
57. William 2nd	30	do.	do.	do. .	Labourer, Camp's Bay .	Able to support himself.

SUMMARY.

Fit for service	26
Unfit for service	31
At Groote Post Farm fit for service	33

The general character of the males is good, if the partiality of some of them to Spirituous Liquors is excepted ; the same may be said of the females.

SCHOOL CHILDREN, &c.—MALES.

1. Peter	12	Refer to the Mother	No. 35.
2. Richard	10	„	No. 11.
3. Jacob	9	„	No. 35.
4. George	9	„	No. 36.
5. William	8	„	No. 30.
6. David	3	„	No. 10.
7. Samuel	2	„	No. 36.
8. William	Infant	„	No. 10.

List of Government Slaves. Females.

Name.	Age.	State of Health.	Married or Single.	Number of Children.	Occupation.	Remarks.
1. Anjorama .	50	Good	Single .	One .	House Girl, Government House.	Not able to support herself. 1 daughter, named Elizabeth, described in this list No. 5.
2. Catryn .	32	do.	do. .	None .	Garden Girl, Newlands .	Able to support herself.
3. Cornelia .	40	Sickly	Married	do. .	Laundry Maid, Government House.	Not able to support herself.
4. Dorothea .	18	Good	Single .	do. .	House Maid at the Slave School.	Able to support herself.
5. Elizabeth (1st)	26	do.	Married	do. .	House Maid, Camp's Bay	Able to support herself. Refer to the Mother No. 1 in this list.
6. Elizabeth (2nd)	17	do.	Single .	do. .	do.	Able to support herself. Refer to the Mother No. 10 in this list.
7. Ekie .	50	Worn out .	do. .	do. .	Invalid, Slave Lodge .	Not able to support herself.
8. Eva .	83	do.	do. .	do. .	do.	do.
9. Elsie .	20	Idiot	Married	do. .	Garden Girl, Government Gardens.	
10. Hendrina (1st)	50	Good	do. .	Three	Nursing, Slave Lodge .	Able to support herself. 1 daughter, named Elizabeth, described in this list No. 6, 1 son, named David, described No. 6 Government Male Slave Children, 1 son, named William, described No. 8 Government Male Slave Children.
11. Hendrina (2nd)	55	Sickly	do. .	Seven	do.	Not able to support herself. 1 daughter, named Jacoba, described in this list No. 37, 1 daughter, named Jeannet, described in this list No. 14, 1 son, named Henry, described amongst the Male Government Slaves No. 15, 1 son, named Richard, described No. 2 Government Male Slave Children, 1 son,

12. Annoine	60	do.	Single	None	Invalid, Slave Lodge	do.	Not able to support herself.
13. Howello.	65	Bedridden.	Married	do.	do.	do.	Able to support herself. Refer to the Mother No. 11 in this list.
14. Jeannet.	17	Good	Single	do.	Laundry Maid, Government House.	do.	Not able to support herself. 1 son, named Petjoe, described amongst the Male Government Slaves No. 42, 1 son, named Adam, aged 30 years, transferred in the time of General Janssens to Mr. Höhne. The last boy is not chargeable to Government.
15. Kellendevoe	60	do.	Married	Two	do.	do.	Not able to support herself.
16. Konolalie	50	Sickly	do.	None	Garden Girl, Government Gardens.	do.	Not able to support herself.
17. Locia	45	do.	do.	do.	House Maid, Government House.	do.	do.
18. Lelekani	50	Good	do.	One	do.	do.	do.
19. Leentje	16	do.	Single	None	Nurse Maid, Camp's Bay	do.	named Martin, described amongst the Male Government Slaves No. 34.
20. Mary (1st)	50	do.	Married	Two	Laundry Maid, Government House.	do.	Able to support herself. Refer to the Mother No. 36 in this list.
							Not able to support herself. 1 son, named Edmund, described amongst the Male Government Slaves No. 12, 1 daughter, named Abigail, described No. 2 Government Female Slave Children.

List of Government Slaves. Females.—continued.

Name.	Age.	State of Health.	Married or Single.	Number of Children.	Occupation.	Remarks.
21. Mary (2nd)	56	Good	Single	None	Nurse, Slave Lodge	Not able to support herself. Bears a very good character.
22. Mary (3rd)	52	Sickly	Married	do.	Invalid, Slave Lodge	Not able to support herself.
23. Maria	80	do.	Single	One	do.	Not able to support herself. 1 daughter, named Appolina, aged 45 years, free, and not chargeable to Government.
24. Masarie	60	do.	Married	None	Garden Girl, Newlands	Not able to support herself.
25. Manahyntje	55	Tolerable	Single	do.	do.	do.
26. Maticiola	50	Idiot	do.	do.	do.	do.
27. Makella	45	Sickly	do.	do.	House Maid, Government House.	do.
28. Maramma	55	do.	do.	do.	Garden Girl, Government Gardens.	do.
29. Rebecca	30	Good	Married	One	Laundry Maid, Newlands	Able to support herself. This girl was under sentence of the Court of Justice, but was reprieved and sent to the Slave Lodge. 1 son that remained with her late master in the country, not chargeable to Government.
30. Rosetta	25	do.	Single	Three	House Maid, Government House.	Able to support herself. 1 daughter, named Francina, described No. 3 Government Female Slave Children, 1 son, named William, described No. 5 Government Male Slave Children, 1 daughter, named Louisa, described No. 5 Government Female Slave Children.

31. Sannah . .	20	Idiot .	Married	One .	Garden Girl, Government Gardens.	Not able to support herself. daughter, named Hendrina, de- scribed No. 7 Government Female Slave Children .
32. Issimissarie .	65	Worn out .	Single .	Two .	Invalid. Slave Lodge	Not able to support herself. 1 son, named Thomas, described amongst the Male Government Slaves, No. 55, 1 daughter, named Johanna, described in this list No. 36.
33. Tima .	60	do.	do.	None .	do.	Not able to support herself.
34. Wonatsa .	50	Good .	do.	One .	Washes for the children in the Slave Lodge	do. 1 son, named Gert, described amongst the Male Government Slaves No. 14.
35. Wilhelmina .	32	do.	Married	Six .	Nursing, Slave Lodge	Able to support herself. 1 son, named Nicholas, described amongst the Male Government Slaves No. 38, 1 son, named Peter, described No. 1 Government Male Slave children, 1 son, named Jacob, described No. 3 Government Male Slave children, 1 daughter, named Anna, described No. 1 Government Female Slave children, 1 daughter, named Wilhelmina, described No. 4 Government Female Slave children, 1 daughter, named Olara, described No. 6 Government Female Slave children.
36. Johanna .	—	—	—	—	—	With Colonel Somerset at Graham's Town.
37. Jacoba .	—	—	—	—	—	do.
38. Christiania .	—	—	—	—	—	do.
39. Hannah .	—	—	—	—	—	do.

Fit for service	.	.	.	.	.	.	.	.	10
Unfit for service	.	.	.	.	.	.	.	.	25
Absent	.	.	.	.	.	.	.	.	4
At Groote Post farm fit for service	.	.	.	.	.	.	.	.	9
Do. children	.	.	.	.	.	.	.	.	18

SCHOOL CHILDREN &C.—FEMALES.

1. Anna	11	sickly.	Refer to the Mother	No. 35.
2. Abigail	8	good	..	No. 20.
3. Francina	8	do.	..	No. 30.
4. Wilhelmina	4	do.	..	No. 35.
5. Louisa	2	do.	..	No. 30.
6. Clara	2	do.	..	No. 35.
7. Hendrina	9 months	do.	..	No. 31.

[Enclosure 2 in the above.]

Lists of Prize Apprentices in the Slave Lodge.

30 adult males
 6 male children
 7 adult females
 5 female children

All employed either at Government House, in the Government Gardens, at Newlands, or at Camp's Bay.



